THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934

FEDERAL REGISTER

VOLUME 6 NUMBER 106

Washington, Friday, May 30, 1941

The President

ADMINISTRATION OF SECTION 6 OF THE ACT ENTITLED "AN ACT TO EXPEDITE THE STRENGTHENING OF THE NATIONAL DEFENSE" APPROVED JULY 2, 1940

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 6 of the act of Congress entitled "AN ACT To expedite the strengthening of the national defense", approved July 2, 1940, provides as follows:

SEC. 6. Whenever the President determines that it is necessary in the interest of national defense to prohibit or curtail the exportation of any military equipment or munitions, or component parts thereof, or machinery, tools, or material or supplies necessary for the manufacture, servicing or operation thereof, he may by proclamation prohibit or curtail such exportation, except under such rules and regulations as he shall prescribe. Any such proclamation shall describe the articles or materials included in the prohibition or curtailment contained therein. In case of the violation of any provision of any proclamation, or of any rule or regulation, issued hereunder, such violator or violators, upon conviction, shall be punished by a fine of not more than $10,000, or by imprisonment for not more than two years or by both such fine and imprisonment. The authority granted in this Act shall terminate June 30, 1942, unless the Congress shall otherwise provide.

AND WHEREAS the joint resolution of Congress approved May 28, 1941 provides as follows:

That the provisions of section 6 of the Act of Congress entitled "An Act to expedite the strengthening of the national defense", approved July 2, 1940 (54 Stat. 714), shall be applicable to all Territories, dependencies, and possessions of the United States, including the Philippine Islands, the Canal Zone, and the District of Columbia, and the several courts of first instance of the Commonwealth of the Philippine Islands shall have jurisdiction of offenses committed in the Philippine Islands in violation of the provisions of that section or of any proclamation, or of any rule or any regulation, issued thereunder.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the said act of Congress and the said joint resolution, do hereby proclaim that upon the recommendation of the Administrator of Export Control I have determined that it is necessary in the interests of the national defense that on and after this date the articles and materials described in the proclamations heretofore issued pursuant to the said section 6 shall not be exported from the Territories, dependencies, and possessions of the United States, including the Philippine Islands, the Canal Zone, and the District of Columbia, except when authorized in each case by license. For all Territories, dependencies, and possessions of the United States, including the Philippine Islands, the Canal Zone, and the District of Columbia, licenses shall be issued in accordance with Proclamations 2413 [1] of July 2, 1940 and 2465 [2] of March 4, 1941, and the rules and regulations prescribed by Executive Orders 8712 [3] and 8713 [4] of March 15, 1941, as they may be from time to time amended.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the city of Washington this 28th day of May, in the year of our Lord nineteen hundred and forty-one, and of the Independence of the United States of America the one hundred and sixty-fifth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[No. 2488]

[F. R. Doc. 41-3868; Filed, May 29, 1941; 10:30 a. m.]

[1] 5 F.R. 2467.
[2] 6 F.R. 1300.
[3] 6 F.R. 1501.
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Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year; single copies 10 cents each; payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C.

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At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 27th day of May 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601 (a) and 602 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective May 27, 1941, the Civil Air Regulations are amended as follows:

1. By amending § 20.211 to read as follows:

§ 20.211 *Aeronautical experience.* Applicant shall be possessed of a valid private, limited-commercial, or commercial pilot certificate, and shall have logged at least 200 hours of solo flight time as prescribed in § 20.146, including at least 20 hours of instrument instruction and practice under actual or simulated flight conditions approved by the Administrator: *Provided,* That not less than 10 hours of such 20-hour requirement shall be in actual flight.

2. By adding after § 20.652 a new subsection to read as follows:

§ 20.653 *Instrument instruction.* Instrument instruction in flight shall not be deemed flying instruction within the meaning of § 20.65, but no person shall give instrument instruction in flight unless possessed of a valid instrument rating.

By the Civil Aeronautics Board.

[SEAL] THOMAS G. EARLY, *Secretary.*

[F. R. Doc. 41-3843; Filed, May 28, 1941; 3:11 p. m.]

[Amendment No. 112, Civil Air Regulations]

PART 20—PILOT RATING

SIMULATED INSTRUMENT FLIGHT PRACTICE

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 27th day of May 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601 (a) and 602 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective May 27, 1941, the Civil Air Regulations are amended as follows:

1. By inserting after § 20.673 a new section to read as follows:

§ 20.68 *Simulated instrument flight.* No person shall operate an aircraft under simulated instrument flight conditions unless:

(a) fully functioning dual controls are installed in the aircraft;

(b) a properly certified pilot occupies the other control seat as safety pilot; and

(c) such safety pilot at all times has adequate vision from the aircraft: *Pro-*

vided, That if the vision of the safety pilot forward or to either side of the aircraft is obstructed, a competent observer must occupy such a position in the aircraft that his field of vision adequately supplements that of the safety pilot.

2. By striking "20.68 *Foreign flights*" from the table of contents of Part 20 and inserting in lieu thereof the following:

20.68 *Simulated instrument flight.*

By the Civil Aeronautics Board.

[SEAL] THOMAS G. EARLY, *Secretary.*

[F. R. Doc. 41-3844; Filed, May 28, 1941; 3:11 p. m.]

[Amendment No. 113, Civil Air Regulations]

PART 50—FLYING SCHOOL RATING

COMMERCIAL PILOT FLIGHT CURRICULUM

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 27th day of May 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601 (a) and 607 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective May 27, 1941, § 50.30 of the Civil Air Regulations is amended to read as follows:

§ 50.30 *Commercial pilot flight curriculum* shall be satisfactory to the Administrator and shall consist of not less than 160 hours of flight time.

By the Civil Aeronautics Board.

[SEAL] THOMAS G. EARLY, *Secretary.*

[F. R. Doc. 41-3845; Filed, May 28, 1941; 3:11 p. m.]

TITLE 16—COMMERCIAL PRACTICES

FEDERAL TRADE COMMISSION

[Docket No. 2263]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF THE BONITA COMPANY

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In the manufacture, sale and distribution in interstate commerce of candy and candy products, (1) selling, etc., to jobbers and wholesale dealers, for resale to retail dealers, candy so packed and assembled that sales thereof to the general public are to be, or are designed to be, made by means of a lottery, gaming device, or gift enterprise; (2) supplying, etc., wholesale dealers and jobbers with packages or assortments of candy which are, or are designed to be, used without alteration or rearrangement of the contents of such packages or assortments, to conduct a lottery, gaming device, or gift enterprise in the sale or distribution of the candy or candy products contained in said assortment to the public; (3) packing or assembling in the same package or assortment of candy for sale to the public at retail, pieces of candy of uniform size, shape and quality having centers of a different color or being of a different color and contained within wrappers, together with larger pieces of candy, which said larger pieces of candy are to be given as prizes to the person procuring a piece of candy with a center of a particular color or a piece of candy of a particular color; (4) supplying, etc., wholesale dealers and jobbers with assortment of candy together with a device commonly called a push card or punch board, for use, or which may be used, in distributing or selling said candy to the public at retail; (5) furnishing to wholesale dealers and jobbers a device commonly called a push card or a punch board either with packages or assortments of candy or candy products or separately, bearing a legend or legends or statements informing the purchaser that the candy or candy products are being sold to the public by lot or chance or in accordance with a sales plan which constitutes a lottery, gaming device or gift enterprise; (6) furnishing to wholesale dealers and jobbers, display cards, either with assortments of candy or candy products, or separately, bearing a legend or legends or statements informing the purchaser that the candy or candy products are being sold to the public by lot or chance or in accordance with a sales plan which constitutes a lottery, gaming device, or gift enterprise; and (7) furnishing to wholesale dealers and jobbers display cards or other printed matter for use in connection with the sale of candy or candy products, which said advertising literature informs the purchasing public that upon the obtaining by the ultimate purchaser of a piece of candy of a particular colored center, a larger piece of candy or small box of candy or another article of merchandise will be given free to said purchaser; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 114; 15 U.S.C., Supp. IV, sec. 45i) [Modified cease and desist order, The Bonita Company, Docket 2263, May 17, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of May, A. D. 1941.

This proceeding coming on for further hearing before the Federal Trade Commission, and it appearing that on June 21, 1935, the Commission made its findings as to the facts herein and concluded therefrom that respondent had violated the provisions of Section 5 of the Federal Trade Commission Act, and on June 21, 1935, issued, and on June 26, 1935, served its order to cease and desist; and it further appearing that on July 1, 1936, the United States Circuit Court of Appeals for the Seventh Circuit rendered its opinion and entered its decree modifying the aforesaid order of the Commission in certain particulars and affirming said order in other particulars, and subsequently, on July 19, 1940, modified its said decree;

Now, therefore, pursuant to the provisions of subsection (i) of section 5 of the Federal Trade Commission Act, the Commission issues this, its modified order to cease and desist, in conformity with the said court's modified decree:

It is hereby ordered, That the said respondent, The Bonita Company, a corporation, its representatives, agents, servants, employees and successors, in the manufacture, sale and distribution in interstate commerce of candy and candy products, forever cease and desist from:

(1) Selling and distributing to jobbers and wholesale dealers, for resale to retail dealers, candy so packed and assembled that sales of such candy to the general public are to be made or are designed to be made by means of a lottery, gaming device, or gift enterprise.

(2) Supplying to, or placing in the hands of, wholesale dealers and jobbers packages or assortments of candy which are used or are designed to be used without alteration or rearrangement of the contents of such packages or assortments, to conduct a lottery, gaming device, or gift enterprise in the sale or distribution of the candy or candy products contained in said assortment to the public.

(3) Packing or assembling in the same package or assortment of candy for sale to the public at retail, pieces of candy of uniform size, shape and quality having centers of a different color or being of a different color and contained within wrappers, together with larger pieces of candy which said larger pieces of candy are to be given as prizes to the person procuring a piece of candy with a center of a particular color or a piece of candy of a particular color.

(4) Supplying to or placing in the hands of wholesale dealers and jobbers assortments of candy together with a device commonly called a push card or punchboard, for use or which may be used in distributing or selling said candy to the public at retail.

(5) Furnishing to wholesale dealers and jobbers a device commonly called a push card or a punch board either with packages or assortments of candy or candy products or separately, bearing a legend or legends or statements informing the purchaser that the candy or candy products are being sold to the public by lot or chance or in accordance with a sales plan which constitutes a lottery, gaming device or gift enterprise.

(6) Furnishing to wholesale dealers and jobbers, display cards, either with assortments of candy or candy products, or separately, bearing a legend or legends or statements informing the purchaser that the candy or candy products are being sold to the public by lot or chance or in accordance with a sales plan which constitutes a lottery, gaming device, or gift enterprise.

(7) Furnishing to wholesale dealers and jobbers display cards or other printed matter for use in connection with the sale of candy or candy products, which said advertising literature informs the purchasing public that upon the obtaining by the ultimate purchaser of a piece of candy of a particular colored center, a larger piece of candy or small box of candy or another article of merchandise will be given free to said purchaser.

It is further ordered, That respondent, The Bonita Company, a corporation, shall within thirty (30) days after the service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-3876; Filed, May 29, 1941; 10:58 a. m.]

[Docket No. 2264]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF A. M'LEAN AND SON

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In the manufacture, sale and distribution in interstate commerce of candy and candy products, (1) selling, etc., to jobbers and wholesale dealers, candy so packed and assembled that sales thereof to the general public are to be, or are designed to be, made by means of a lottery, gaming device, or gift enterprise; (2) supplying, etc., wholesale dealers and jobbers packages or assortments of candy which are, or are designed to be, used without alteration or rearrangement of the contents of such packages or assortments, to conduct a lottery, gaming device, or gift enterprise, in the sale or distribution of the candy or candy products contained in said assortment to the public; (3) packing or assembling in the same package of candy, for sale to the public at retail, pieces of candy of uniform size, shape, and quality, having centers of a different color, together with larger pieces of candy, or small boxes of candy, or other articles of merchandise, which said larger pieces of candy, or small boxes of candy, or other articles of merchandise are to be given as prizes to the purchaser procuring a piece of candy with a center of a particular color; (4) furnishing to wholesale dealers and jobbers, display cards, either with assortments of candy or candy products, or separately, bearing a legend or legends or statements informing the purchaser that the candy or candy products are being sold to the public by lot or chance or in accordance with a sales plan which constitutes a lottery, gaming device, or gift enterprise; and (5) furnishing to wholesale dealers and jobbers display cards or other printed matter for use in connection with the sale of candy or candy products, which said advertising literature informs the purchasing public that upon the obtaining by the ultimate purchaser of a piece of candy of a particular colored center, a larger piece of candy or small box of candy or another article of merchandise will be given free to said purchaser; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 114; 15 U.S.C., Supp. IV, sec. 45i) [Modified cease and desist order, A. McLean and Son, Docket 2264, May 17, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of May, A. D. 1941.

This proceeding coming on for further hearing before the Federal Trade Commission, and it appearing that on June 21, 1935, the Commission made its findings as to the facts herein and concluded therefrom that respondent had violated the provisions of Section 5, of the Federal Trade Commission Act, and on June 21, 1935, issued, and on June 25, 1935, served its order to cease and desist; and it further appearing that on July 1, 1936, the United States Circuit Court of Appeals for the Seventh Circuit rendered its opinion and entered its decree modifying the aforesaid order of the Commission in certain particulars and affirming said order in other particulars, and subsequently on July 19, 1940, modified its said decree;

Now, therefore, pursuant to the provisions of subsection (i) of section 5 of the Federal Trade Commission Act, the Commission issues this, its modified order to cease and desist, in conformity with the said court's modified decree:

It is hereby ordered, That the said respondent, A. McLean and Son, a corporation, its representatives, agents, servants, employees and successors, in the manufacture, sale and distribution in interstate commerce of candy and candy products, forever cease and desist from:

(1) Selling and distributing to jobbers and wholesale dealers, for resale to retail dealers, candy so packed and assembled that sales of such candy to the general public are to be made or are designed to be made by means of a lottery, gaming device, or gift enterprise.

(2) Supplying to, or placing in the hands of, wholesale dealers and jobbers packages or assortments of candy which are used or are designed to be used without alteration or rearrangement of the contents of such packages or assortments, to conduct a lottery, gaming device, or gift enterprise, in the sale or distribution of the candy or candy products contained in said assortment to the public.

(3) Packing or assembling in the same package of candy, for sale to the public at retail, pieces of candy of uniform size, shape, and quality, having centers of a different color, together with larger pieces of candy, or small boxes of candy, or other articles of merchandise, which said larger pieces of candy, or small boxes of candy, or other articles of merchandise are to be given as prizes to the purchaser procuring a piece of candy with a center of a particular color.

(4) Furnishing to wholesale dealers and jobbers, display cards, either with assortments of candy or candy products, or separately, bearing a legend or legends or statements informing the purchaser that the candy or candy products are being sold to the public by lot or chance or in accordance with a sales plan which constitutes a lottery, gaming device, or gift enterprise.

(5) Furnishing to wholesale dealers and jobbers display cards or other printed matter for use in connection with the sale of candy or candy products, which said advertising literature informs the purchasing public that upon the obtaining by the ultimate purchaser of a piece of candy of a particular colored center, a larger piece of candy or small box of candy or another article of merchandise will be given free to said purchaser.

It is further ordered, That respondent, A. McLean and Son, a corporation, shall within thirty (30) days after the service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-3877; Filed, May 29, 1941; 10:58 a. m.]

[Docket No. 2265]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF M. J. HOLLOWAY & COMPANY

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In the manufacture, sale and distribution in interstate commerce of candy and candy products, (1) selling, etc., to jobbers and wholesale dealers, for resale to retail dealers, candy so packed and assembled that sales thereof to the general public are to be, or are designed to be, made by means of a lottery, gaming device, or gift enterprise; (2) supplying, etc., wholesale dealers and jobbers with packages or assortments of candy which are, or are designed to be, used without alteration or rearrangement of the contents of such packages or assortments, to conduct a lottery, gaming device, or gift enterprise in the sale or distribution of the candy or candy products contained in said assortment to the public; (3) packing or assembling in the same package of candy, for sale to the public at retail, pieces of candy of uniform size, shape, and quality, having centers of a different color, together with larger pieces of candy, or small boxes of candy, or other articles of merchandise, which said larger pieces of candy or small boxes of candy, or other articles of merchandise are to be given as prizes to the purchaser procuring a

piece of candy with a center of a particular color; (4) supplying, etc., wholesale dealers and jobbers with assortments of candy together with a device commonly called a push card or punch board, for use or which may be used in distributing or selling said candy to the public at retail; and (5) furnishing to wholesale dealers and jobbers a device commonly called a push card or a punch board either with packages or assortments of candy or candy products or separately, bearing a legend or legends or statements informing the purchaser that the candy or candy products are being sold to the public by lot or chance or in accordance with a sales plan which constitutes a lottery, gaming device or gift enterprise; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 114; 15 U.S.C., Supp. IV, sec. 45i) [Modified cease and desist order, M. J. Holloway & Company, Docket 2265, May 17, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of May, A. D. 1941.

This proceeding coming on for further hearing before the Federal Trade Commission, and it appearing that on June 25, 1935, the Commission made its findings as to the facts herein and concluded therefrom that respondent had violated the provisions of Section 5 of the Federal Trade Commission Act, and on June 25, 1935, issued, and on June 27, 1935, served its order to cease and desist; and it further appearing that on July 1, 1936, the United States Circuit Court of Appeals for the Seventh Circuit rendered its opinion and entered its decree modifying the aforesaid order of the Commission in certain particulars and affirming said order in other particulars, and subsequently, on July 19, 1940, modified its said decree;

Now, therefore, pursuant to the provisions of subsection (i) of section 5 of the Federal Trade Commission Act, the Commission issues this, its modified order to cease and desist, in conformity with the said court's modified decree:

It is hereby ordered, That the said respondent, M. J. Holloway & Company, a corporation, its representatives, agents, servants, employees and successors, in the manufacture, sale and distribution in interstate commerce of candy and candy products, forever cease and desist from:

(1) Selling and distributing to jobbers and wholesale dealers, for resale to retail dealers, candy so packed and assembled that sales of such candy to the general public are to be made or are designed to be made by means of a lottery, gaming device, or gift enterprise.

(2) Supplying to, or placing in the hands of, wholesale dealers and jobbers packages or assortments of candy which are used or are designed to be used without alteration or rearrangement of the contents of such packages or assortments, to conduct a lottery, gaming device, or gift enterprise in the same or distribution of the candy or candy products contained in said assortment to the public.

(3) Packing or assembling in the same package of candy, for sale to the public at retail, pieces of candy of uniform size, shape, and quality, having centers of a different color, together with larger pieces of candy, or small boxes of candy, or other articles of merchandise, which said larger pieces of candy, or small boxes of candy, or other articles of merchandise are to be given as prizes to the purchaser procuring a piece of candy with a center of a particular color.

(4) Supplying to or placing in the hands of wholesale dealers and jobbers assortments of candy together with a device commonly called a push card or punch board, for use or which may be used in distributing or selling said candy to the public at retail.

(5) Furnishing to wholesale dealers and jobbers a device commonly called a push card or a punch board either with packages or assortments of candy or candy products or separately, bearing a legend or legends or statements informing the purchaser that the candy or candy products are being sold to the public by lot or chance or in accordance with a sales plan which constitutes a lottery, gaming device or gift enterprise.

It is further ordered, That respondent, M. J. Holloway & Company, a corporation, shall within thirty (30) days after the service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-3878; Filed, May 29, 1941; 10:58 a. m.]

[Docket No. 2277]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF QUEEN ANNE CANDY COMPANY

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In the manufacture, sale and distribution in interstate commerce of candy and candy products, (1) selling, etc., to jobbers and wholesale dealers, for resale to retail dealers, candy so packed and assembled that sales thereof to the general public are to be, or are designed to be, made by means of a lottery, gaming device, or gift enterprise; (2) supplying, etc., wholesale dealers and jobbers with packages or assortments of candy which are, or are designed to be, used without alteration or rearrangement of the contents of such packages or assortments, to conduct a lottery, gaming device, or gift enterprise in the sale or distribution of the candy or candy products contained in said assortment to the public; (3) packing or assembling in the same package or assortment of candy for sale to the public at retail, pieces of candy of uniform size, shape and quality having centers of a different color, together with larger pieces of candy which larger pieces of candy are to be given as prizes to the person procuring a piece of candy with a center of a particular color; (4) supplying, etc., wholesale dealers and jobbers with assortments of candy together with a device commonly called a push card or punch board, for use or which may be used in distributing or selling said candy to the public at retail; and (5) furnishing to wholesale dealers and jobbers a device commonly called a push card or a punch board either with packages or assortments of candy or candy products or separately, bearing a legend or legends or statements informing the purchaser that the candy or candy products are being sold to the public by lot or chance or in accordance with a sales plan which constitutes a lottery, gaming device or gift enterprise; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 114; 15 U.S.C., Supp. IV, sec 45i) [Modified cease and desist order, Queen Anne Candy Company, Docket 2277, May 17, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of May, A. D. 1941.

This proceeding coming on for further hearing before the Federal Trade Commission, and it appearing that on June 25, 1935, the Commission made its findings as to the facts herein and concluded therefrom that respondent had violated the provisions of Section 5 of the Federal Trade Commission Act, and on June 25, 1935, issued, and on June 27, 1935, served its order to cease and desist; and it further appearing that on July 1, 1936, the United States Circuit Court of Appeals for the Seventh Circuit rendered its opinion and entered its decree modifying the aforesaid order of the Commission in certain particulars and affirming said order in other particulars, and subsequently, on July 19, 1940, modified its said decree;

Now, therefore, pursuant to the provisions of subsection (i) of the section 5 of the Federal Trade Commission Act, the Commission issues this, its modified order to cease and desist, in conformity with the said court's modified decree:

It is hereby ordered, That the said respondent, Queen Anne Candy Company, a corporation, its representatives, agents, servants, employees and successors, in the manufacture, sale and distribution in interstate commerce of candy and candy products, forever cease and desist from:

(1) Selling and distributing to jobbers and wholesale dealers, for resale to retail dealers, candy so packed and assembled that sales of such candy to the general public are to be made or are designed to be made by means of a lottery, gaming device, or gift enterprise.

(2) Supplying to, or placing in the hands of, wholesale dealers and jobbers packages or assortments of candy which are used or are designed to be used without alteration or rearrangement of the contents of such packages or assortments, to conduct a lottery, gaming device, or gift enterprise in the sale or distribution of the candy or candy products contained in said assortment to the public.

(3) Packing or assembling in the same package or assortment of candy for sale to the public at retail, pieces of candy of uniform size, shape and quality having centers of a different color, together with larger pieces of candy which larger pieces of candy are to be given as prizes to the person procuring a piece of candy with a center of a particular color.

(4) Supplying to or placing in the hands of wholesale dealers and jobbers assortments of candy together with a device commonly called a push card or punch board, for use or which may be used in distributing or selling said candy to the public at retail.

(5) Furnishing to wholesale dealers and jobbers a device commonly called a push card or a punch board either with packages or assortments of candy or candy products or separately, bearing a legend or legends or statements informing the purchaser that the candy or candy products are being sold to the public by lot or chance or in accordance with a sales plan which constitutes a lottery, gaming device or gift enterprise.

It is further ordered, That respondent, Queen Anne Candy Company, a corporation, shall within thirty (30) days after the service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-3879; Filed, May 29, 1941; 10:58 a. m.]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

[Docket No. 3872]

IN THE MATTER OF HEARST MAGAZINES, INC.

§ 3.6 (h) *Advertising falsely or misleadingly—Fictitious or misleading guarantees:* § 3.6 (l) *Advertising falsely or misleadingly—Indorsements and testimonials:* § 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.18 *Claiming indorsements or testimonials falsely:* § 3.72 (f15) *Offering deceptive inducements to purchase—Guarantee, in general.* In connection with offer, etc., in commerce, of respondent's periodicals, magazines, or other publications, and the issuance or authorization of various seals of approval, emblems, shields or other insignia, and among other things, as in order set forth, (1) representing, directly or indirectly, that all representations of, and claims made for, products, services or other commercial offerings described in advertisements appearing in any of respondent's periodicals, magazines or other publications are true when any representation or claim contained in such advertisements is not in fact true; (2) representing, directly or by implication, that any product, service or other commercial offering advertised in respondent's magazines, periodicals or other publications, or for which respondent has authorized the use of any seal, emblem, shield or other insignia, is guaranteed by respondent, unless such guaranty is without limitation, or if limited, unless all limitations upon such guaranty are clearly, conspicuously and explicitly stated in immediate conjunction with all such representations of guaranty; and (3) authorizing, or allowing others to represent, directly or by implication, that any product, service or other commercial offering advertised in its magazines, periodicals or other publications, or for which respondent has authorized the use of any seal, emblem, shield or other insignia, is guaranteed by respondent, unless such guaranty is without limitation, or if limited, unless all limitations upon such guaranty are clearly, conspicuously and explicitly stated in immediate conjunction with all such representations of guaranty; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Hearst Magazines, Inc., Docket 3872, May 13, 1941]

§ 3.6 (z5) *Advertising falsely or misleadingly—Seals or emblems of investigation, test, and approval:* § 3.6 (ee5) *Advertising falsely or misleadingly—Tests and investigations:* § 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.55 *Furnishing means and instrumentalities of misrepresentation or deception:* § 3.72 (m15) *Offering deceptive inducements to purchase—Seals or emblems of investigation, test, and approval.* In connection with offer, etc., in commerce, of respondent's periodicals, magazines, or other publications, and the issuance or authorization of various seals of approval, emblems, shields or other insignia, and among other things, as in order set forth, (1) using, or authorizing, or allowing others to use, seals, emblems, shields, or other insignia, which represent in any manner that any food, drug, cosmetic, or therapeutic device, has been tested, or tested and approved by or at the instance of, the respondent, or any organization owned or controlled by it, or otherwise representing or authorizing or allowing others to represent, in any manner, that any such product has been tested, or tested and approved by, or at the instance of the respondent, or any organization owned or controlled by it, unless and until the product concerning which such representation is made has, in fact, been adequately and thoroughly tested in such a manner as to assure, at the time such product is sold to the consuming public, the quality, nature and properties of such product in relation to the intended usage thereof and the fulfillment of the claims made therefor in connection with the use of such insignia or representation; (2) using, or authorizing, or allowing others to use, seals, emblems, shields or other insignia which represent in any manner that any mechanical device, or article of household equipment, other than those included in prohibition (1) hereof, has been tested, or tested and approved, by or at the instance of, the respondent, or any organization owned or controlled by it, or otherwise representing or authorizing or allowing others to represent, in any manner, that any such product has been tested, or tested and approved, by, or at the instance of, the respondent, or any organization owned or controlled by it, unless and until the product concerning which such representation is made has, in fact, been adequately and thoroughly tested in such a manner as reasonably to assure, at the time such product is sold to the consuming public, the quality, nature and properties of such product in relation to the intended usage thereof and the fulfillment of the material claims made in connection with the use of such insignia or representation; and (3) authorizing, using, or allowing the use of seals, emblems, shields, or other insignia which represent, directly or by implication, that an inquiry or investigation has been made by, or at the instance of, the respondent, or any organization owned or controlled by it, of a service or other commercial offering, (not including any product) in connection with which such seal, emblem, shield or other insignia is used, unless and until the respondent has in fact made a sufficiently adequate and thorough investigation or inquiry as to assure the fulfillment of the claims made for such service or commercial offering in connection with the use of such insignia or representation; prohibited; subject to provision, however, permitting use of word "recommended" on any seal, emblem, shield or other insignia when product thereby involved has been adequately and thoroughly tested, as in order set forth, and when form of such seal, emblem, shield or other insignia is readily distinguishable by consuming public from any seal, emblem, shield or other insignia bearing any guaranty. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Hearst Magazines, Inc., Docket 3872, May 13, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 13th day of May, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the

answer of the respondent, testimony and other evidence taken before trial examiners of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, and the report of the trial examiners thereon and the exceptions of the respondent thereto (the filing of briefs by counsel and all other intervening procedure having been waived by the respondent), and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Hearst Magazines, Inc., a corporation, its officers, directors, representatives, agents and employees, jointly or severally, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of its periodicals, magazines or other publications, and the issuance or authorization of various seals of approval, emblems, shields or other insignia, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or indirectly, that all representations of, and claims made for, products, services or other commercial offerings, described in advertisements appearing in any of its periodicals, magazines or other publications are true when any representation or claim contained in such advertisements is not in fact true;

2. Using, or authorizing, or allowing others to use, seals, emblems, shields or other insignia, which represent in any manner that any food, drug, cosmetic, or therapeutic device, has been tested, or tested and approved, by or at the instance of, the respondent, or any organizations owned or controlled by it, or otherwise representing, or authorizing or allowing others to represent, in any manner, that any such product has been tested, or tested and approved, by, or at the instance of, the respondent, or any organization owned or controlled by it, unless and until the product concerning which such representation is made has, in fact, been adequately and thoroughly tested in such a manner as to assure, at the time such product is sold to the consuming public, the quality, nature and properties of such product in relation to the intended usage thereof and the fulfillment of the claims made therefor in connection with the use of such insignia or representation;

3. Using, or authorizing, or allowing others to use, seals, emblems, shields or other insignia which represent in any manner that any mechanical device, or article of household equipment, other than those included in paragraph 2 hereof, has been tested, or tested and approved, by or at the instance of, the respondent, or any organization owned or controlled by it, or otherwise representing, or authorizing or allowing others to represent, in any manner, that any such product has been tested, or tested and approved, by, or at the instance of, the respondent, or any organization owned or controlled by it, unless and until the product concerning which such representation is made has, in fact, been adequately and thoroughly tested in such a manner as reasonably to assure, at the time such product is sold to the consuming public, the quality, nature and properties of such product in relation to the intended usage thereof and the fulfillment of the material claims made in connection with the use of such insignia or representation;

4. Authorizing, using, or allowing the use of seals, emblems, shields, or other insignia which represent, directly or by implication, that an inquiry or investigation has been made by, or at the instance of, the respondent, or any organization owned or controlled by it, of a service or other commercial offering, (not including any product) in connection with which such seal, emblem, shield or other insignia is used, unless and until the respondent has in fact made a sufficiently adequate and thorough investigation or inquiry as to assure the fulfillment of the claims made for such service or commercial offering in connection with the use of such insignia or representation;

5. Representing, directly or by implication, that any product, service or other commercial offering advertised in its magazines, periodicals or other publications, or for which respondent has authorized the use of any seal, emblem, shield or other insignia is guaranteed by respondent, unless such guaranty is without limitation, or if limited, unless all limitations upon such guaranty are clearly, conspicuously and explicitly stated in immediate conjunction with all such representations of guaranty;

6. Authorizing or allowing others to represent, directly or by implication, that any product, service or other commercial offering advertised in its magazines, periodicals or other publications, or for which respondent has authorized the use of any seal, emblem, shield or other insignia, is guaranteed by respondent, unless such guaranty is without limitation, or if limited, unless all limitations upon such guaranty are clearly, conspicuously and explicitly stated in immediate conjunction with all such representations of guaranty.

The provisions of this order are not to be construed so as to prohibit the use of the word "recommended" on any seal, emblem, shield or other insignia, when the product with respect to which such seal, emblem, shield, or other insignia is used has in fact been adequately and thoroughly tested by the respondent in such a manner as reasonably to assure the quality, nature and properties of such product in relation to the intended usage thereof and the fulfillment of the material claims made in connection therewith, and when the form of such seal, emblem, shield or other insignia is readily distinguishable by the consuming public from any seal, emblem, shield or other insignia bearing any guaranty.

It is further ordered that the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied wth this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-3880; Filed, May 29, 1941; 10:59 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-752]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1 NOT HERETOFORE CLASSIFIED AND PRICED

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1 not heretofore classified and priced; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matters; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and made a part hereof.

It is further ordered, That pleadings in opposition to the original petitions in the above-entitled matter, and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: May 16, 1941.

[SEAL] H. A. GRAY,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in this Supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of Code members having railway loading facilities, showing price classification by size group Nos.]

Mine index No.	Code member	Mine name	Sub-dist. No.	Seam	Freight origin group No.	1	2	3	4	5
722	Morrisdale Coal Mining Co., The	Maxton Slope	8	B	44	E	E	E	E	E

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Sub. dist. No.	County	Seam	All lump coal double screened top size 2" and over	Double screened top size 2" and under	Run of mine modified R/M	2" and under slack	¾" and under slack
						1	2	3	4	5
Morrisdale Coal Mining Co., The	722	Maxton Slope	8	Clearfield	B	250	225	225	215	205

[F. R. Doc. 41-3813; Filed, May 28, 1941; 10:33 a. m.]

[Docket No. A-817]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 2 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 2 NOT HERETOFORE CLASSIFIED AND PRICED

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 2 not heretofore classified and priced; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 322.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 322.9 (*Special prices*—(c) *Railroad fuel*) is amended by adding thereto Supplement R–II, and § 322.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: May 15, 1941.

[SEAL] H. A. GRAY,
Director.

NOTE: The material contained in this Supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 322, Minimum Price Schedule for District No. 2 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 322.7 *Alphabetical list of code members*—Supplement R–I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine index No.	Code member	Mine name	Sub-dist. No.	Seam	Freight origin group No.	Size group Nos.															
						1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
379	Berlin, M. W	Superior #1	5	Pittsburgh	91	G	G	G	G	H	----	G	G	G	----	----	----	----	----	----	----
511	Bertone, Sam	Bertone	9	Pittsburgh	73	D	D	C	C	C	C	C	C	C	----	----	----	----	----	----	----
1172	Boyd, R. W	Boyd	7	Pittsburgh	74	A	A	C	C	F	F	G	G	G	----	----	----	----	----	----	----
3020	Connolly, Pete	Connolly (Strip)	7	Pittsburgh	74	L	L	J	J	J	J	K	K	K	----	----	----	----	----	----	----
1725	Chiri, Leon (Dependable Coal Co.)	Irma	7	Pittsburgh	72	D	D	C	C	F	F	G	G	G	----	----	----	----	----	----	----
832	Day, Richard E	Day #1	1	Kittanning	20	G	G	G	G	F	F	G	G	G	----	----	----	----	----	----	----
3031	Day, Richard E	Day #2	1	Kittanning	20	G	G	G	G	F	F	G	G	G	----	----	----	----	----	----	----
542	Earnest, George Melvin (Earnest Coal Co.)	Earnest (Strip)	7	Pittsburgh	74	C	C	C	C	F	F	F	F	F	----	----	----	----	----	----	----
1734	Harding, John Jr. (Gans Coal Co.)	Hester	3	Pittsburgh	80	F	F	E	E	E	E	E	E	E	----	----	----	----	----	----	----
1545	John, D	D. John	5	Pittsburgh	91	G	G	G	G	H	H	G	G	G	----	----	----	----	----	----	----
875	Liberty Coal Co	Liberty Coal Co	1	L. Kittanning	28	G	G	G	G	F	H	G	G	G	----	----	----	----	----	----	----
3049	McGraw & Bindley	McGraw & Bindley (S)	5	Pittsburgh	91	G	G	G	G	H	H	G	G	G	----	----	----	----	----	----	----
3015	Mercer Central Mining Co	Sharon Road (Strip)	1	Brookville	28	G	G	G	G	G	F	G	G	G	----	----	----	----	----	----	----
618	Metcalfe Domestic Coal Mine	Metcalfe	2	L. Freeport	79	F	F	D	D	D	E	E	E	E	----	----	----	----	----	----	----
620	Miller, John (Miller Coal Co.)	Miller	7	Pittsburgh	88	D	D	C	C	F	F	G	G	G	----	----	----	----	----	----	----
1843	Newcomer Coal Co	Newcomer #1	3	Sewickley	30	J	J	H	H	H	H	H	H	H	----	----	----	----	----	----	----
1844	Newcomer Coal Co	Newcomer #2	3	Sewickley	30	J	J	H	H	H	H	H	H	H	----	----	----	----	----	----	----
1845	Newcomer Coal Co	Newcomer #3	3	Sewickley	30	J	J	H	H	H	H	H	H	H	----	----	----	----	----	----	----
1846	Newcomer Coal Co	Newcomer #4	3	Sewickley	30	J	J	H	H	H	H	H	H	H	----	----	----	----	----	----	----
2077	Reese & Canistra	Switalski	3	Pittsburgh	80	----	----	----	----	----	E	----	----	----	----	----	----	----	----	----	----
1489	Saul, Craig G. (Eagle Coal Co.)	Eagle	1	Kittanning	20	F	F	E	E	E	E	F	F	F	----	----	----	----	----	----	----

§ 322.9 *Special prices*—(c) *Railroad fuel*—Supplement R–II

NOTE: In § 322.9 (c) of Minimum Price Schedule for District No. 2 add the mine index numbers in groups shown.

Group No. 1: 511. Group No. 2: 542, 620, 1172, 1725, 3020. Group No. 7: 1734, 2077. Group No. 8: 1843, 1844, 1845, 1846. Group No. 9: 618. Group No. 15: 832, 875, 1489, 3015, 3031. Group No. 17: 3049. Group 18: 1545.

All mines in Freight Origin Group No. 86, will take the same necessary or permissible adjustments as Freight Origin Groups Nos. 72 and 73.

FOR TRUCK SHIPMENTS

§ 322.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	Base sizes										
				Lump over 4"	Lump 4"	Lump 3"	Lump 2"	Egg 2"×4"	Stove 1"×4"	Pea ¾"×1¼"	Run of mine	2" N/S	1¼" slack	¾" slack
				1	2	3	4	5	6	7	8	9	10	11
ALLEGHENY COUNTY														
Wehner, David E	3032	Wehner	Bakerstown	285	275	265	240	220	220	220	220	190	180	170
BEAVER COUNTY														
Negley Fire Clay Co	3029	Cannelton	Kittanning	300	290	280	275	250	245	225	225	185	175	165
BUTLER COUNTY														
Day, Richard E	3031	Day #2	U. Kittanning	315	295	275	255	250	235	235	220	170	160	150
Grossman, Lewis L	3019	McCandless	L. Kittanning	325	305	285	265	260	245	245	230	190	180	170
Heck, D. W	3018	Dan	Kittanning	300	280	270	245	240	235	215	215	185	175	165
Stewart, John W	3014	Stewart	Kittanning	325	305	285	265	260	245	245	230	190	180	170
Serge, Mike	3052	Rankin	U. Kittanning	325	305	285	265	260	245	245	230	180	170	160
FAYETTE COUNTY														
Grand View Coal Co	3027	L. F. Burchinal	Sewickley	265	255	245	235	215	205	205	205	190	185	170
Keppen, Alfonso	3028	Keppen	Pittsburgh	280	270	260	245	225	210	210	210	200	195	175
Knopsnider, Elmer B	3025	Knopsnider	Freeport	275	265	255	240	220	210	210	210	195	190	175
Lape & Co., Nick (Nick Lape)	3024	Jackson	Pittsburgh	280	270	260	245	225	210	210	210	200	195	175
Mowry, Emory, Earl & William (Emory Mowry).	3026	Mowry	Freeport	275	265	255	240	220	210	210	210	195	190	175
Reese & Canistra	2077	Switalski	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Wolfe & Co., Emerson	1806	Williams #2	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Whyel Coke Co	3050	Donald #1	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Whyel Coke Co	3051	Donald #3	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
MERCER-VENANGO COUNTY														
Buckeye Coal Co	3033	London	Brookville								240	185	175	160
Serge, Mike	1592	Serge #2	L. Kittanning	325	305	285	265	260	245	245	230	180	170	160
WASHINGTON COUNTY														
Bury, Paul	3007	Bury	Pittsburgh	280	270	260	235	230	215	205	215	180	170	160
Connolly, Pete	3030	Connolly	Pittsburgh	275	265	255	230	220	205	195	205	180	170	160
WESTMORELAND COUNTY														
Byars, J. W	3034	Alverton #1	Pittsburgh	300	290	280	260	240	230	225	235	200	190	175
Faith, Harry B	3035	Faith #2	Pittsburgh	280	270	260	245	240	230	210	215	195	185	175
Overly, L. W	3003	Nicholls	Pittsburgh	280	270	260	245	240	230	210	215	195	185	175

[F. R. Doc. 41-3814; Filed, May 28, 1941; 10:34 a. m.]

[Docket No. A-796]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 10 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS PRODUCED FOR RAIL SHIPMENT BY CERTAIN MINES IN DISTRICT NO. 10 NOT HERETOFORE CLASSIFIED AND PRICED

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for coals produced for rail shipment by certain mines in District No. 10, which coals have not heretofore been so classified and priced; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with this Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act:

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith and supplementing § 330.2 (*Mine index numbers*) of the Schedule of Effective Minimum Prices for District No. 10 For All Shipments Except Truck, the coals referred to in the supplement hereinafter set forth and made a part hereof, shall be subject to minimum prices as provided therein.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless the Director shall otherwise order.

Dated: May 14, 1941.

[SEAL] H. A. GRAY,
Director.

TEMPORARY SUPPLEMENT TO SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material in this Supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 330.2 *Mine index numbers*

Price group No.	Producer	Mine	Mine index No.	Freight origin group No.	Shipping point	Railroad
2	Pickford, John J	Pickford	[1] 1162	133	Harrisburg, Illinois	C. C. C. & St. L.
4	Plumlee Coals, The (Arthur W. Plumlee).	Plumlee	[2] 1210	134	Herrin, Illinois	Illinois Central.

[1] Mine Index No. 1162 shall be included in Price Group 2 and shall take the same f. o. b. mine prices as other mines in Price Group 2, Part 330, Minimum Price Schedule for District No. 10, on all size groups and for shipment to all market areas and for all uses exclusive of railroad locomotive fuel; provided, however, that these f. o. b. mine prices apply on board transportation facilities at Harrisburg, Illinois. The railroad locomotive fuel prices shall be: Mine Run $2.25; Screenings $1.70.

[2] Mine Index No. 1210 shall be included in Price Group 4 and shall take the same f. o. b. mine prices as other mines in Price Group 4, Part 330, Minimum Price Schedule for District No. 10, on all size groups and for shipment to all market areas and for all uses exclusive of railroad locomotive fuel; provided, however, that these f. o. b. mine prices apply on board transportation facilities at Herrin, Illinois. The railroad locomotive fuel prices shall be: Mine Run $2.15; Screenings $1.70.

Further, size groups 1 to 6, inclusive, and 8 for all shipments except truck shall be identical with the price classifications and minimum prices heretofore established for the Forsyth Carterville Coal Company, Mine Index No. 50, as reduced in Docket No. A-8, order dated February 6, 1941, 6 F.R. 841.

[F. R. Doc. 41-3815; Filed, May 28, 1941; 10:35 a. m.]

[Docket No. A-812]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 10 FOR PRELIMINARY AND PERMANENT RELIEF BY THE ELIMINATION OF ADJUSTMENTS IN MINIMUM F. O. B. MINE PRICES IN CERTAIN DESTINATIONS IN MARKET AREA 40

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was filed by District Board 10 on April 14, 1941 requesting revision of the table on page 33 of the Schedule of Effective Minimum Prices for District No. 10 For All Shipments Except Truck providing for price adjustments to minimum prices on shipments to certain destinations in Market Area 40.

It appears that the requested revision is necessary in view of Supplement No. 7 to Freight Tariff No. 1951-C of the Illinois Terminal Railroad Company (Ill. C. C. No. 54, I.C.C. No. 59, issued March 11, 1941) which will alter, effective May 10, 1941, except as otherwise provided in the tariff, the freight rate relationships on which the table on page 33 is predicated. No petitions of intervention have been filed in the above-entitled matter.

It is ordered, That, a reasonable showing of the necessity therefor having been made, temporary relief be, and the same is, granted as follows: Commencing May 10, 1941, and supplementing the Schedule of Effective Minimum Prices for District No. 10 For All Shipments Except Truck, the table of price adjustments to f. o. b. mine prices annexed to and made part of this Order shall be substituted for the table entitled "Price Adjustments To F. O. B. Mine Prices at Destinations In Market Area No. 40", 5 F.R. 3227 (August 28, 1940), in § 330.9 (*General prices*), as modified by the Order of the Director of November 4, 1940 in Docket No. A-55, 5 F.R. 4388 (November 6, 1940).

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: May 10, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in this "Temporary Supplement" is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 330.9 *General prices*

[Price adjustments to f. o. b. mine prices at destinations in market area No. 40]

Destination	No. 1	No. 2	No. 3	No. 4	No. 5
Alton, Ill.	0	0	0	0	0
Alton Hospital, Ill.	----	----	----	0	0
Alton Summit, Ill.	----	----	----	0	0
A & S Connection, Ill.	0	0	0	−9	0
Brooklyn, Ill.	0	0	0	−9	0
Cahokia, Ill.	0	0	0	−9	0
Cochem, Ill.	0	0	0	−9	0
Cone Station, Ill.	0	0	0	−9	0
Conlogue, Ill.	0	0	0	−9	0
Dupo, Ill.	0	0	0	−9	0
East Alton, Ill.	----	----	----	0	0
East St. Louis, Ill.	0	0	0	−9	0
Edwardsville, Ill.	+20	+20	+20	0	+25
Edwardsville Jct., Ill.	+20	+20	+20	0	+25
Falling Springs, Ill.	0	0	0	−9	0
Federal, Ill.	0	0	0	0	0
Glass Works, Ill.	0	0	0	0	0
Granite City, Ill.	0	0	0	−9	0
Hartford, Ill.	0	0	0	0	0
Landsdowne, Ill.	0	0	0	−9	0
Le Claire, Ill.	----	----	----	0	0
Madison, Ill.	0	0	0	−9	0
Mitchell, Ill.	0	0	0	−9	0
Monsanto, Ill.	0	0	0	−9	0
Nameoki, Ill.	0	0	0	−9	0
National City, Ill.	0	0	0	−9	0
National Stock Yards, Ill.	0	0	0	−9	0
North Wood River, Ill.	0	0	0	0	0
Prairie DuPont, Ill.	0	0	0	−9	0
Reuters, Ill.	0	0	0	0	0
Rose Lake, Ill.	0	0	0	−9	0
Roxana, Ill.	0	0	0	0	0
South Wood River, Ill.	0	0	0	0	0
Upper Alton, Ill.	----	----	----	0	0
Valley Junction, Ill.	0	0	0	−9	0
Venice, Ill.	0	0	0	−9	0
Vulcan, Ill.	0	0	0	−9	0
Wanda, Ill.	0	0	0	0	0
Wann, Ill.	----	----	----	0	0
Wood River, Ill.	0	0	0	0	0
St. Louis, Mo.	+20	+20	0	−7	0
Ellendale, Mo.	0	0	0	−7	0
Glendale, Mo.	0	0	0	−6	0
Lake Junction, Mo.	0	0	0	−7	0
Oak Hill, Mo.	0	0	0	−7	0
Reber Place, Mo.	0	0	0	−7	0
Tuxedo Park, Mo.	0	0	0	−7	0
Webster Groves, Mo.	0	0	0	−2	0
West Alton, Mo.	0	0	0	−3	0

No. 1. Applicable on shipments from Mine Index Nos 20, 23, 24, 139, 153 and 173 for delivery only on the Illinois Terminal Railroad. Increase or decrease f. o. b. mine prices for destinations as shown in cents per ton.

No. 2. Applicable on shipments from Mine Index No. 170 for delivery only on the Illinois Terminal Railroad. Increase or decrease f. o. b. mine prices for destinations as shown in cents per ton.

No. 3. Applicable on shipments from Mine Index No. 32 for delivery only on the Illinois Terminal. Increase or decrease f. o. b. mine prices for destinations as shown in cents per ton.

No. 4. Applicable on shipments from Mine Index Nos. 27, 63, 64, and 65. Increase or decrease f. o. b. mine prices for destinations as shown in cents per ton.

No. 5. Applicable on shipments from Mine Index Nos. 32 and 33. Increase or decrease f. o. b. mine prices for destinations as shown in cents per ton.

[F. R. Doc. 41-3816; Filed, May 28, 1941; 10:34 a. m.]

[Docket No. A-855]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS PRODUCED FOR TRUCK SHIPMENTS BY CERTAIN MINES IN DISTRICT NO. 11, WHICH COALS HAVE NOT HERETOFORE BEEN SO CLASSIFIED AND PRICED

An original petition and an amendment thereto having been duly filed with this Division by the above-named party, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for coals produced for truck shipment by certain mines in District No. 11, which coals have not heretofore been so classified and priced; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with this Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith and supplementing § 331.24 (*General prices in cents per net ton for shipment into all market areas*) of the Schedule of Effective Minimum Prices for District No. 11 for Truck Shipments, the coals referred to in the supplement hereinafter set forth and made a part hereof shall be subject to minimum prices as provided therein.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless the Director shall otherwise order.

Dated: May 15, 1941.

[SEAL] H. A. GRAY,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in this "Supplement" is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and Supplements thereto.

FOR TRUCK SHIPMENTS

§ 331.24 *General prices in cents per net ton for shipment into all market areas*

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos. 1	2	3	4	5	6	7	8	9	10, 11, 12	13	14	15	16	17	18, 19, 20	21	22	23	24	25	26	27	28, 29	30	31	32, 33	34
PERRY COUNTY																														
Bolin, George	1289	Drury	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55	----	----	----	----	----	----	----	----	----	----	----	----	----
Harpenau Bros. (Sylvester Hapenau)	1292	No. 4	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55	----	----	----	----	----	----	----	----	----	----	----	----	----
SULLIVAN COUNTY																														
Siepman, H. A. (H. A. Siepmen Coal Co.)	1279	Ebony #7	7	250	245	240	230	225	220	180	185	170	165	135	125	70	40	----	----	----	----	----	----	----	----	----	----	----	----	----
Steele & Harris (Ray H. Harris)	129	Steele & Harris	5	250	245	240	230	225	220	180	185	170	165	135	125	70	40	----	----	----	----	----	----	----	----	----	----	----	----	----
WARRICK COUNTY																														
Banner Coal Company (J. W. Workman)	1291	Banner	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55	----	----	----	----	----	----	----	----	----	----	----	----	----

[F. R. Doc. 41-3817; Filed, May 28, 1941; 10:33 a. m.]

[Docket No. A-852]

PART 332—MINIMUM PRICE SCHEDULE DISTRICT NO. 12

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 12 FOR THE ESTABLISHMENT OF MINIMUM PRICES FOR RAILROAD LOCOMOTIVE FUEL FOR THE COALS OF THE DUNREATH COAL COMPANY, MINE INDEX NO. 705

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 having been duly filed with this Division by the above named party, requesting the establishment, both temporarily and permanently, of minimum prices for railroad locomotive fuel for the coals produced at Mine Index No. 705 of the Dunreath Coal Company; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 332.5 (*Special prices: Railroad locomotive fuel*) is amended by adding thereto the schedule marked "Supplement R", hereinafter set forth and made a part hereof, and the coals referred to shall be subject to minimum prices as provided in said schedule.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: May 15, 1941.

[SEAL] H. A. GRAY, *Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 12

NOTE: The material contained in this Supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 332, Minimum Price Schedule for District No. 12 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 332.5 *Special prices: Railroad locomotive fuel*—Supplement R

[Railroad locomotive fuel prices f. o. b. mines in cents per net ton of 2,000 pounds]

Railroads	For all railroads not specifically shown herein			C. B. & Q. R. R.		C. M. St. P. & P. R. R.		C. R. I. & P. R. R.	M. & St. L. R. R.	C. G. W. R. R.	C. & N. W. R. R.	Wabash R. R.
Prices apply to all sizes	265	270	350	265	350	265	350	265	265	350	350	270
Mine index Nos.	705	----	----	705	----	----	----	----	----	----	----	----

[F. R. Doc. 41-3818; Filed, May 28, 1941; 10:33 a. m.]

[Docket No. A-839]

PART 335—MINIMUM PRICE SCHEDULE, DISTRICT NO. 15

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 15 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR SHIPMENT BY RAIL FOR THE COALS PRODUCED AT MINE INDEX NO. 784 IN DISTRICT NO. 15

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for shipment by rail for the coals produced at Mine Index No. 784 in District No. 15, and for which coals minimum prices have heretofore been established only for shipment by truck; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 335.5 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 15, For All Shipments Except Truck, is supplemented to include the price classifications and minimum prices set forth in the schedule marked "Supplement R", hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: May 15, 1941.

[SEAL] H. A. GRAY,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 15

NOTE: The material contained in this "Supplement R" is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 335, Minimum Price Schedule for District No. 15 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 335.5 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members showing price classification by size group for domestic, commercial and industrial use]

Mine index No.	Code member	Mine name	Prod. group No.	Frt. origin grp. No.	Price classification by size group														
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
784	Gilman-Dean Coal Company (G. W. Gilman).	Gilman-Dean	8	121	A	A	A	A	C	C	C	C	A	C	A	A	--	A	A

A is Market Area list price as listed in Price Schedule No. 1; B, minus 5 cents from list price; C, minus 10 cents from list price.

[F. R. Doc. 41-3819; Filed, May 28, 1941; 10:34 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VII—SELECTIVE SERVICE SYSTEM

[Amendment No. 61]

AMENDING THE REGULATIONS SO AS TO CLARIFY THE PROVISIONS RELATING TO MEMBERS OF THE OFFICERS' RESERVE CORPS ON THE ELIGIBLE LIST

By virtue of the provisions of the Selective Training and Service Act of 1940, approved September 16, 1940, and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective ten days after the filing of this amendment with the Division of the Federal Register, the Selective Service Regulations, Volume Three,[1] section XXIV, Paragraph 357, by striking out the present subparagraph *d* and inserting in lieu thereof a new subparagraph *d* to read as follows:

d. Any man (1) who was in the active reserve (on the eligible list) in the Officers' Reserve Corps on the date on which, but for the fact that he was in the active reserve (on the eligible list) in the Officers' Reserve Corps, he would have been required to register under the selective service law, and (2) who shall have served in the active reserve (on the eligible list) for at least six consecutive years.

LEWIS B. HERSHEY,
Deputy Director.

MAY 27, 1941.

[F. R. Doc. 41-3841; Filed, May 28, 1941; 2:34 p. m.]

[No. 5]

ORDER PRESCRIBING FORMS

By virtue of the Selective Training and Service Act of 1940, approved September 16, 1940, and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of Paragraph 163 and Appendix A to Volume One[1] of the Selective Service Regulations, I hereby prescribe the following change in a DSS form:

1. That DSS Form 153 be revised effective June 1, 1941. All of the supply of original DSS Form 153 on hand will be used until exhausted, but in their use after June 1, 1941, the lower portion of the form with reference to replacements shall be left in blank as not applicable, in view of the amendment to Paragraph 430 and the repeal of Paragraphs 431 and 432, Selective Service Regulations.

The foregoing revision shall, effective June 1, 1941, become a part of Appendix A to Volume One, Selective Service Regulations.

LEWIS B. HERSHEY,
Deputy Director.

MAY 27, 1941.

[F. R. Doc. 41-3839; Filed, May 28, 1941; 2:34 p. m.]

[No. 6]

ORDER PRESCRIBING FORMS

By virtue of the Selective Training and Service Act of 1940, approved September 16, 1940, and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of Paragraph 163 and Appendix A to Volume One[1] of the Selective Service Regulations, I hereby prescribe the following change in a DSS form:

1. That DSS Form 201 be revised effective June 1, 1941, but that the supply of original DSS Form 201 on hand will be used until exhausted.

[1] 5 F.R. 3923.

[1] 5 F.R. 3779.

[1] 5 F.R. 3779.

The foregoing revision shall, effective June 1, 1941, become a part of Appendix A to Volume One, Selective Service Regulations.

LEWIS B. HERSHEY,
Deputy Director.

MAY 27, 1941.

[F. R. Doc. 41-3840; Filed, May 28, 1941; 2:34 p. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION AND CIVILIAN SUPPLY

PART 1308—SCRAP AND SECONDARY MATERIALS CONTAINING NICKEL

[Price Schedule No. 8]

PURE NICKEL SCRAP, MONEL METAL SCRAP, STAINLESS STEEL SCRAP, NICKEL STEEL SCRAP AND OTHER SCRAP MATERIALS CONTAINING NICKEL, SECONDARY MONEL INGOT, SECONDARY MONEL SHOT, AND SECONDARY COPPER-NICKEL SHOT

Due to the needs of the defense program, the demand for primary nickel, primary materials containing nickel, and for scrap and secondary materials containing nickel, has increased to the extent that the available supplies of such materials are insufficient to satisfy the total defense and civilian demand. As a consequence, inflationary pressure has been exerted upon the prices of such scrap and secondary materials causing their prices to rise greatly in excess of levels which are in proper relation to the price levels of primary materials. Price instability and dislocations injurious to the national defense and civilian economy have resulted. All this has made it difficult, and in some cases impossible for the trade to cooperate with the Government in maintaining price stability.

Accordingly, pursuant to and under the authority vested in me by Executive Order No. 8734,[1] it is hereby directed that:

§ 1308.1 *Maximum prices on sales of pure nickel scrap, monel metal scrap, stainless steel scrap, nickel steel scrap, and other scrap materials containing nickel.* On and after June 2, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, entered into prior to such date, except as provided in § 1308.3 hereof, no person shall sell, offer to sell, deliver, or transfer at a price, to any other person, pure nickel scrap, ferro-nickel-chrome-iron scrap, ferro-nickel-iron scrap, monel metal scrap, cupro-nickel alloy scrap, stainless steel scrap, or nickel steel scrap, at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1308.10. No person shall buy, or offer to buy, or accept delivery of, such scrap materials from any person at higher prices. Lower prices than those set forth in Appendix A may, however, be charged, demanded, paid, or offered.*

[1] 6 F.R. 1917.

*§§ 1308.1 to 1308.11, inclusive, issued pursuant to the authority contained in Executive Order 8734.

§ 1308.2 *Maximum prices on sales of secondary monel ingot, secondary monel shot and secondary copper-nickel shot.* On and after June 2, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, entered into prior to such date, except as provided in § 1308.3 hereof, no person shall sell, offer to sell, deliver, or transfer at a price, to any other person, secondary monel ingot, secondary monel shot, or secondary copper-nickel shot, at prices higher than the maximum prices set forth in Appendix B, incorporated herein as § 1308.11. No person shall buy, or offer to buy, or accept delivery of, such secondary materials at higher prices. Lower prices than the prices set forth in Appendix B, may, however, be charged, demanded, paid, or offered.*

§ 1308.3 *Permission to carry out contracts.* Any person seeking permission to carry out a contract of sale or purchase, or other commitment, entered into prior to May 30 1941, and calling for the delivery, after May 30, 1941, of any of the scrap or secondary materials described in Appendix A or B, at prices higher than the maximum prices set forth in the Appendices, may apply for such permission in writing upon forms available upon request made to the Office of Price Administration and Civilian Supply, Washington, D C. Permission will be granted if necessary to protect such person against loss in the disposition of inventory already acquired at prices higher than the established maximum prices. Permission, therefore, may be obtained *only* if such scrap or secondary materials, in quantities sufficient to carry out such contract or commitment, were acquired at prices higher than the established maximum prices, and held on May 30, 1941, by (a) the person seeking such permission, and (b) any other person, for delivery to the person seeking such permission, under a firm commitment entered into prior to May 30, 1941.*

§ 1308.4 *Evasion.* The price limitations set forth in the regulations in this part shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, or transfer at a price, of the scrap or secondary materials described in Appendix A or B, or in connection with a purchase, sale, or transfer at a price of any other materials, or by way of any service, transportation, or other charge or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1308.5 *Record-keeping requirements.* Every person purchasing or selling the scrap or secondary materials described in Appendices A or B, shall, until such time as further information is deemed necessary or appropriate hereunder, keep for inspection by the Office of Price Administration and Civilian Supply, and preserve for a period not less than one year, complete and accurate records of:

(a) every purchase and sale of such scrap or secondary materials, showing the name and address of the person from or to whom each such purchase or sale was made, the date thereof, the price paid or received, and the quantity, in pounds or tons, of each kind or grade purchased or sold; and

(b) the quantity, in pounds or tons, of such scrap materials and, separately, the quantity, in pounds or tons, of such secondary materials (1) on hand, and (2) on order, as of the close of each month.*

§ 1308.6 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, and other provisions contained in the regulations in this part, or in the event of any evasion or attempt to evade the price limitations or other provisions contained in the regulations in this part, this Office will make every effort to assure (a) that the Congress and the public are fully informed of any failure to abide by the provisions of the regulations in this part; and (b) that the powers of the Government are fully exerted in order to protect the public interest and the interest of those persons who conform with the regulations in this part in the maintenance of the ceiling prices herein set forth. Persons who have evidence of the demand or receipt of prices above the limitations set forth, or of any evasion of or effort to evade such requirements, or of speculation, or manipulation of prices of the scrap and secondary materials, for which maximum prices are herein established, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration and Civilian Supply.*

§ 1308.7 *Supplemental schedule and reporting requirements.* In order to insure compliance with the regulations in this part supplements further stating its scope and, if necessary, requiring reports to the Government, will be issued from time to time when found appropriate.*

§ 1308.8 *Modification of the price schedule.* Persons complaining of hardship or inequity in the operation of the regulations in this part may apply to the Office of Price Administration and Civilian Supply for approval of any modification thereof or exception therefrom.*

§ 1308.9 *Definitions.* When used in the regulations in this part, the term "person" includes an individual, partnership, association, corporation or other business entity.*

§ 1308.10 *Appendix A, maximum prices for pure nickel scrap, monel metal scrap, nickel steel scrap, stainless steel scrap, and other scrap materials containing nickel.*

Introductory. Maximum prices herein established are for the principal kinds or grades of the scrap materials. All other kinds or grades, which are not specified, should be sold at their normal differentials from such principal kinds or grades. Moreover, the maximum prices are established for scrap which meets generally accepted maximum standards in the trade—as, for instance, the standard classification of the National Association of Waste Material Dealers, Inc., contained in its Circular O, effective as of June 1, 1940. Scrap which fails to meet such standards should be sold at their normal differentials *below* the established maximum prices.

Part I—Pure Nickel Scrap, Ferro-Nickel-Chrome-Iron Scrap, Ferro-Nickel-Iron Scrap, Monel Metal Scrap and Cupro-Nickel Alloy Scrap

The maximum prices established for the kinds and grades of scrap materials set forth in Part I of this Appendix, apply on sales of scrap, unsuitable and unprepared for industrial consumption. A converter of scrap as hereinafter defined, may receive, in addition to the maximum prices set forth below, a stated maximum premium for scrap which he has converted. A "converter" of scrap is defined for the purposes of this Price Schedule to include only those persons who:

(1) sell scrap directly to a consumer thereof; and,

(2) by chemical test or assay, determine the metal constituents of the scrap; and,

(3) on that basis, sort, grade, treat, package or briquette by hydraulic press, and otherwise prepare, the scrap, making it suitable for direct industrial consumption; and

(4) guarantee the delivery of scrap in an agreed amount and analysis.

Unless a seller of scrap satisfies the four criteria, set forth above, he may not receive a converter's premium. His scrap must not be sold at a price higher than the maximum prices set forth below.

Furthermore, a converter or any other person may receive, in addition to the maximum prices set forth below, a premium of a stated maximum amount on shipments of a specified quantity of material.

Kind or Grade of Scrap Material	*Price (f. o. b. point of shipment)*
Pure nickel scrap:	
Containing 98% or more nickel and not more than ½% copper.	26¢ per pound of material.
Containing 90% up to 98% nickel	26¢ per pound of nickel contained; no payment for any other metals contained.
Converter's premium	2¢ per pound of material.
Premium on shipments of 2,000 pounds or more of material at one time.	½¢ per pound of material.
Ferro-nickel-chrome-iron scrap:	
Containing 20% up to 90% nickel	26½¢ per pound of nickel contained; 8¢ per pound of chrome contained; no payment for any other metals contained
Converter's premium	1½¢ per pound of material.
Premium on shipments of 10,000 pounds or more of material at one time.	½¢ per pound of material.
Ferro-nickel-iron scrap:	
Containing 14% up to 90% nickel and no chrome.	26½¢ per pound of nickel contained; no payment for any other metals contained.
Converter's premium	1½¢ per pound of material.
Premium on shipments of 10,000 pounds or more of material at one time.	½¢ per pound of material.
Monel metal scrap:	
New monel metal clippings	20¢ per pound of material.
Soldered monel metal sheet	18¢ per pound of material.
No. 1 grade monel castings and turnings, containing a minimum of 60% nickel, 30% copper, and not more than 3% free iron, clean and dry.	15¢ per pound of material.
Converter's premium	2¢ per pound of material.
Premium on shipments of 20,000 pounds or more of material at one time.	½¢ per pound of material.
Cupro-nickel alloy scrap:	
Containing 90% or more combined nickel and copper.	26¢ per pound of nickel contained; 8¢ per pound of copper contained; no payment for any other metals contained.
Containing less than 90% combined nickel and copper.	26¢ per pound of nickel contained; no payment for any other metals contained.
Converter's premium	2¢ per pound of material.
Premium on shipments of 20,000 pounds or more of material at one time.	½¢ per pound of material.

Part II—Stainless Steel Scrap and Nickel Steel Scrap

In the event that a consumer of stainless steel scrap or nickel steel scrap shall employ an agent or broker to purchase such scrap for the consumer's use, the consumer may pay the agent or broker for such scrap a sum not exceeding the applicable maximum price set forth below *plus* a commission, in the case of stainless steel scrap, of not more than 5%, and in the case of nickel steel scrap, of not more than 2%, of such maximum price. The commission shall be payable only if (a) the agent or broker guarantees the quality and delivery of an agreed tonnage of the scrap; (b) the commission is shown as a separate charge in invoicing and billing; and (c) the agent or broker does not split or divide the commission allowed him by a consumer with the seller or sellers of the scrap.

Kind or Grade of Scrap Material	*Price (f. o. b. point of shipment)*
Stainless steel scrap:	
18% chrome, 8% nickel type:	
Containing 16%–20% chrome and 7%–10% nickel, except as indicated below.	$85 per gross ton.
Containing 18% chrome, 8% nickel and .08% or less carbon.	$95 per gross ton.
All other grades or types of chrome-nickel stainless steel scrap.	28 cents per pound of nickel contained; 9½ cents per pound of chrome contained; no payment for any other metals contained.
Straight chrome type:	
Containing 16%–18% chrome	$40 per gross ton.
Containing 12%–14% chrome	$35 per gross ton.

A maximum of $10 a gross ton may be added to the maximum prices set forth above for sales of stainless steel scrap in the form of hydraulic press briquettes.

Nickel Steel Scrap

The maximum price at which a grade of steel scrap containing less than 1% of nickel may be sold to a consumer shall

be the maximum price for a like grade of steel scrap, as set forth or determined under the Iron and Steel Scrap Price Schedule No. 4, Revised.

The maximum price at which a grade of steel scrap containing 1% or more nickel may be sold to a consumer shall be the maximum price for a like grade of steel scrap, as set forth or determined under the Iron and Steel Scrap Price Schedule No. 4, Revised, *plus* $1.00 per gross ton for each ¼ of 1% of nickel content.[1]

§ 1308.11 *Appendix B—Maximum prices for secondary monel metal ingot, secondary monel metal shot, and secondary copper-nickel shot.*

Kind or Grade of Secondary Material	*Price (per pound, f.o.b. point of shipment) cents*
Monel ingot	27
Monel shot	27
Copper-nickel shot containing 48% to 52% Nickel and 52% to 48% Copper and not more than ½% foreign materials	25½

The maximum prices herein established are for the principal kinds or grades of the secondary materials. All other kinds or grades which are not specified should be sold at their normal differentials from such principal kinds or grades. The maximum prices set forth above apply if the kind or grade of secondary material is sold, shipped, delivered, or carried away, in lots of 30,000 pounds or more. If such secondary material is sold and shipped, delivered, or carried away in lots of:

	Cents per pound may be added to such prices
10,000 up to 30,000 pounds	½
2,000 up to 10,000 pounds	1
1,000 up to 2,000 pounds	1½
500 up to 1,000 pounds	2
100 up to 500 pounds	2½
Less than 100 pounds	3½

Issued this 29th day of May 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-3892; Filed, May 29, 1941; 12:00 m.]

[1] The formula shall be applied in accordance with the following table:

1% up to 1.25% nickel content	+$4
1.25% up to 1.50% nickel content	+$5
1.50% up to 1.75% nickel content	+$6
1.75% up to 2.00% nickel content	+$7
2.00% up to 2.25% nickel content	+$8
Etc.	

TITLE 36—PARKS AND FORESTS

CHAPTER I—NATIONAL PARK SERVICE

PART 2—GENERAL RULES AND REGULATIONS

AMENDMENT

Pursuant to the authority contained in the Act of August 25, 1916 (39 Stat. 535, 16 U.S.C. 3), and the Act of August 21, 1935 (49 Stat. 666, 16 U.S.C. Supp. V, 462), § 2.55 (i) (1) of the General Rules and Regulations approved by the Secretary of the Interior on March 19, 1941 (6 F.R. 1626), is amended so as to read as follows:

§ 2.55 *Fees.*

* * * * *

(i) *Admission fees.* (1) An admission fee shall be charged each person entering the following areas, except children 16 years of age, or under, or groups of school children 18 years of age, or under, when accompanied by adults assuming responsibility for their safety and orderly conduct:

	Fee
Fort Marion National Monument	$0.10
Fort Pulaski National Monument	.10
George Washington Birthplace National Monument	.10
Vanderbilt Mansion National Historic Site	.45

* * * * *

Approved: May 22, 1941.

[SEAL] OSCAR L. CHAPMAN,
Acting Under Secretary.

[F. R. Doc. 41-3853; Filed, May 29, 1941; 9:53 a. m.]

PART 2—GENERAL RULES AND REGULATIONS

AMENDMENT

Pursuant to the authority contained in the Act of August 25, 1916 (39 Stat. 535, 16 U.S.C. 3), § 2.55 (i) (2) of the General Rules and Regulations approved by the Secretary of the Interior on March 19, 1941 (6 F.R. 1626), is amended so as to read as follows:

§ 2.55 *Fees.*

* * * * *

(i) *Admission fees.*

* * * * *

(2) An admission fee shall be charged each person entering the following places, except children 16 years of age, or under, or groups of school children 18 years of age, or under, when accompanied by adults assuming responsibility for their safety and orderly conduct:

	Fee
Fort McHenry National Monument and Historic Shrine—the Inner Fort	$0.10
Colonial National Historical Park—Moore House	.10
Yorktown Historical Museum	.10
Morristown National Historical Park—Ford Museum and Mansion	.10
Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park—Museum	.10
Chickamauga and Chattanooga National Military Park—Point Park	.10
Vicksburg National Military Park—Museum	.10
Salem Maritime National Historic Site—Derby House	.22
Lincoln Museum	.10
House Where Lincoln Died	.10
Lee Mansion in Arlington National Cemetery	.10

* * * * *

Approved: May 22, 1941.

[SEAL] OSCAR L. CHAPMAN,
Acting Under Secretary.

[F. R. Doc. 41-3854; Filed, May 29, 1941; 9:53 a. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 1—RULES OF PRACTICE AND PROCEDURE

The Commission on May 27, 1941, effective immediately, took the following action:

Amended § 1.71[1] by striking the third proviso thereof, reading as follows:

§ 1.71 *Applications made on prescribed forms; exceptions.* * * * *Provided, further,* That in cases where an applicant desires a modification of a rule or regulation, he shall submit a formal petition setting forth the desired change and the reasons in support thereof. (Section 4 (i) 48 Stat. 1068; 47 U.S.C. 154 (i))

Adopted the following new provision to read:

Amendment of Rules

§ 1.81 *Requests for amendment of rules.* Any person may petition for amendment of any rule or regulation. Such petition shall show the desired change in the rules and regulations and set forth the reasons in support thereof. (Section 4 (i) 48 Stat. 1068; 47 U.S.C. 154 (i))

Repealed paragraph (b) of § 1.72[2] and adopted the following provisions in lieu thereof:

§ 1.72 *Defective applications.*

* * * * *

(b) If an applicant is requested by the Commission to file any documents or information not included in the prescribed application form, a failure to comply with such request will constitute a defect in the application.

(c) Applications which are not in accordance with the Commission's rules, regulations or other requirements will be considered defective unless accompanied either (1) by a petition in accordance with § 1.81 to amend any rule or regulation with which the application is in conflict, or (2) by a request of the applicant for waiver of, or an exception to, any rule, regulation or requirement with which the application is in conflict. Such request shall show the nature of the waiver or exception desired and set forth the reasons in support thereof.

(d) Defective applications will not be considered by the Commission. (Section 4 (i) 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-3881; Filed, May 29, 1941; 11:08 a. m.]

PART 1—RULES OF PRACTICE AND PROCEDURE

The Commission on May 27, 1941, effective immediately, amended Appen-

[1] 4 F.R. 3343.
[2] 5 F.R. 5221.

dix No. 3 [1] to Part 1 of the Rules of Practice and Procedure as follows:

Transfer of Counties Wahkiakum, Cowlitz, Clark, Skamania and Klickitat, State of Washington, from the 14th Radio District, with headquarters at Seattle, to the 13th Radio District, with headquarters at Portland; and Counties in northern Montana now under the administration of the 15th Radio District, with headquarters at Denver, to the 14th Radio District, Seattle. (Section 4 (i) 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-3882; Filed, May 29, 1941; 11:08 a. m.]

PART 2—GENERAL RULES AND REGULATIONS

The Commission on May 27, 1941, effective immediately, adopted the following new section to read:

§ 2.92 *National defense-emergency authorization.* The Federal Communications Commission may authorize the licensee of any radio station during a period of national emergency to operate its facilities upon such frequencies, with such power and points of communication, and in such a manner beyond that specified in the station license as may be requested by the Army or Navy. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-3883; Filed, May 29, 1941; 11:08 a. m.]

PART 3—RULES GOVERNING STANDARD AND HIGH FREQUENCY BROADCAST STATIONS

The Commission on May 27, 1941, advanced the effective date of § 3.32 (b),[2] which prohibits broadcasting of commercial programs under experimental authorizations, for sixty days, to July 29, 1941. (Section 4 (i) 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-3884; Filed, May 29, 1941; 11:08 a. m.]

[Order No. 81 [3]]

PART 1—RULES OF PRACTICE AND PROCEDURE

PART 12—RULES GOVERNING AMATEUR RADIO: STATIONS AND OPERATORS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of May 1941.

The Commission having under consideration its Rules of Practice and Procedure and its Rules Governing Amateur Radio: Stations and Operators, with particular reference to the provisions concerning applications for renewal of license; and,

It appearing, that service with the armed forces of the Nation renders it difficult for many amateur radio operator and station licensees to comply with the formal requirements of the Commission's rules relative to the filing of applications for renewal of license:

It is ordered, That until further order of the Commission amateur radio operator and station licensees, serving with the armed forces of the Nation, who desire to renew outstanding licenses may submit to the Commission by letter, an informal application for renewal in lieu of the formal application required by the Commission's rules;

Provided, however, That such informal application for renewal by letter must set forth the fact that the applicant is serving with the armed forces of the Nation and must be accompanied by a signed statement of the applicant's immediate commanding officer verifying that fact.

This Order shall become effective immediately.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-3886; Filed, May 29, 1941; 11:09 a. m.]

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[1] 4 F.R. 3354.
[2] 6 F.R. 1942.
[3] This Order affects §§ 1.360, 12.26, 12.66.

Notices

WAR DEPARTMENT.

[Contract No. W 535 ac-18458; (4640)]

SUMMARY OF CONTRACT [1] FOR SUPPLIES

CONTRACTOR: UNITED AIRCRAFT CORPORATION, PRATT & WHITNEY AIRCRAFT DIVISION

Contract for: * * * Aircraft Engines.

Amount: $1,286,920.11.

Place: Materiel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority AC 26 P 81-3037 A 0705-01, the available balance of which is sufficient to cover cost of same.

This contract, entered into this 16th day of April 1941.

Scope of this contract. The contractor shall furnish and deliver to the Government * * * aircraft engines, for the consideration stated one million two hundred eighty six thousand nine hundred and twenty dollars and eleven cents ($1,286,920.11), in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be especially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Articles and supplies called for and prices therefor. The Contractor shall furnish and deliver to the Government all of the following articles, to-wit: * * * Engines, Aircraft, * * * total, $1,286,920.11.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

Furnishing of materials and supplies by the government. The Contracting Officer may at his option from time to time furnish the contractor with materials and/or supplies not readily obtainable in the open market and which are required by the contractor for the performance of this contract.

This Contract authorized under the provisions of Paragraph 4g (1), AR 5-240, and section 1 (a), Act of July 2, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[1] Approved by the Under Secretary of War, April 26, 1941.

[F. R. Doc. 41-3851; Filed, May 29, 1941; 9:52 a. m.]

[Contract No. W 535 ac-18685; (4714)]

SUMMARY OF CONTRACT [1] FOR SUPPLIES

CONTRACTOR: CURTISS-WRIGHT CORPORATION AIRPLANE DIVISION, BUFFALO PLANTS

Contract for: * * * Airplanes, Spare Parts Therefor and Data.

Amount: $13,360,562.28.

[1] Approved by the Under Secretary of War, May 3, 1941.

Place: Materiel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover cost of same:

AC 34 P 12-3037 A 0705-01
AC 28 P 82-3037 A 0705-01

This contract, entered into this 22nd day of April 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Airplanes, spare parts therefore and Data for the consideration stated thirteen million three hundred sixty thousand five hundred sixty two dollars twenty eight cents ($13,360,562.28), in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The Contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Articles and supplies called for and payment therefor. The Contractor shall furnish and deliver to the Government all of the following articles, to-wit:

Item 1. * * * Airplanes, total	$11,876,055.36
Item 2. Certain spare parts for all of the airplanes called for under the terms of Item 1 of this Article, at a total price not exceeding	1,484,406.92

Partial payments will be made as the work progresses at the end of each calendar month or as soon thereafter as practicable on authenticated statements of expenditures of the Contractor approved by the Contracting Officer.

Advance payments. Advance payments may be made from time to time for the supplies called for, when the Secretary of War deems such action necessary in the interest of the National Defense.

Provisions reference additional facilities and improvements. Nothing in this contract shall be construed as in any way impairing the right of the Contractor to a mutually satisfactory arrangement for emergency plant facilities, including necessary expenditures for "off-lease-hold" improvements, as contemplated by paragraph 9, Change Order Serial No. 3366, Change No. 1, to Contract W 535 ac-15802.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

Fire insurance. The contractor agrees to insure against fire all property in its possession upon which a partial payment is about to be made, such insurance to be in a sum at least equal to the amount of such payment plus all other partial payments, if any, theretofore made thereon, and further agrees to keep such property so insured, free of cost to the Government, until the same is delivered to the Government. Such property is to be considered as delivered to the Government upon its final acceptance.

Price adjustment. The Contract Prices stated in this contract for airplanes and spare parts are subject to adjustments for changes in labor and material costs.

General. It is expressly agreed that quotas for labor will not be altered on account of delays in the completion of airplanes and spare parts.

This Contract authorized under the provisions of section 1 (a), Act of July 2, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-3852; Filed, May 29, 1941; 9:52 a. m.]

NAVY DEPARTMENT.

[NOs-77339]

SUMMARY OF CONTRACT FOR EQUIPMENT

CONTRACTOR: NORTHERN PUMP COMPANY, MINNEAPOLIS, MINNESOTA

MAY 27, 1941.

Under date of October 1, 1940, the Navy Department entered into a contract with the Northern Pump Company, Minneapolis, Minnesota, for the manufacture of items of Ordnance equipment at a total cost of $22,280,000.00. On April 23, 1941, the Department entered into a supplementary contract with the above company calling for additional equipment at a cost of $21,325,000.00. The contract, including the supplement, is a fixed-price contract and contains clauses relating to delays, damages, loss or damage and insurance, and National Defense Contract Clause.

W. H. P. BLANDY,
Rear Admiral, U. S. N.,
Chief of the Bureau of Ordnance.

[F. R. Doc. 41-3848; Filed, May 29, 1941; 9:51 a. m.]

[Nos.-83327]

SUMMARY OF CONTRACT FOR EQUIPMENT

CONTRACTOR: BETHLEHEM STEEL COMPANY, BETHLEHEM, PENNSYLVANIA

MAY 27, 1941.

Under date of March 24, 1941, the Navy Department entered into a contract with the Bethlehem Steel Company of Bethlehem, Pennsylvania, for the manufacture of items of Ordnance equipment at a total cost of $1,446,000. The contract is a fixed-price contract and contains a price adjustment clause for changes in cost of material and labor, as well as clauses as to delays, damages, disclosure of information and National Defense Clause.

W. H. P. BLANDY,
Rear Admiral, U. S. N.,
Chief of the Bureau of Ordnance.

[F. R. Doc. 41-3850; Filed, May 29, 1941; 9:52 a. m.]

[NOs-85017]

SUMMARY OF CONTRACT FOR EQUIPMENT

CONTRACTOR: BRIDGEPORT BRASS COMPANY, BRIDGEPORT, CONNECTICUT

MAY 27, 1941.

Under date of April 29, 1941, the Navy Department entered into a contract with the Bridgeport Brass Company, Bridgeport, Connecticut, for the manufacture of items of Ordnance equipment at a total cost of $3,965,730. The contract is a fixed-price contract and contains a price adjustment clause to cover changes in the cost of labor and/or material as well as clauses relating to delays, damages, disclosure of information, and National Defense Clause.

W. H. P. BLANDY,
Rear Admiral, U. S. N.,
Chief of the Bureau of Ordnance.

[F. R. Doc. 41-3849; Filed, May 29, 1941; 9:52 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-180]

PETITION OF THE NORTHERN CAMBRIA RETAIL COAL PRODUCERS ASSOCIATION ET AL., FOR THE REVISION OF THE EFFECTIVE MINIMUM PRICE SCHEDULE FOR DISTRICT NO. 1 FOR TRUCK SHIPMENTS, FOR SHIPMENTS OF COAL BY TRUCK IN THE NORTHERN CAMBRIA AREA, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER OF DISMISSAL

The original petitioner in the above-entitled matter having moved that the

petition be withdrawn, and there having been no opposition to such request,

Now, therefore, it is ordered, That the said petition be, and it hereby is, dismissed, without prejudice.

Dated: May 27, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-3863; Filed, May 29, 1941; 10:08 a. m.]

[Docket No. A-453]

PETITION OF DISTRICT BOARD 3 FOR TEMPORARY AND PERMANENT ORDERS CHANGING THE PRICE OF RAILROAD FUEL COAL FROM DISTRICT NO. 3 FOR SHIPMENT ALL-RAIL TO THE CANADIAN PACIFIC RAILROAD, PURSUANT TO SECTON 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER OF DISMISSAL

District Board 3, the original petitioner herein, having filed a written motion requesting the dismissal of the original petition herein, and there being no opposition thereto;

It is, therefore, ordered, That this proceeding be, and it is hereby, dismissed without prejudice.

Dated: May 27, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-3859; Filed, May 29, 1941; 10:07 a. m.]

[Docket No. A-598]

PETITION OF DISTRICT BOARD 17 FOR REVISION OF THE PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR CERTAIN COALS IN DISTRICT 17 AND FOR CHANGES IN CERTAIN MARKET AREAS THEREIN

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF IN PART AND CORRECTING ERRORS IN THE TRANSCRIPT

The original petition in this matter was filed by District Board 17 on January 15, 1941, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting revision of the effective price classifications and minimum prices for certain coals in District 17, and modification of certain market area boundaries. Petitions of intervention were filed by District Boards 10, 16, 18, 19, 20, and 22, and Bear Canon Coal Company, a code member in District 17. Consumers' Counsel Division entered an appearance.

Pursuant to an Order of the Director dated January 22, 1941, and after due notice to interested persons, a hearing in this matter was held on February 3, 5, 6, 8, 10, and 11, at a hearing room of the Division in Denver, Colorado, before Thurlow G. Lewis, a duly designated Examiner of the Division.

Thereafter, on February 17, 1941, the receiver of The Rio Grande Southern Railroad Company, a consumer of District 17 coals, who appeared as a witness at the hearing, submitted an application and affidavit requesting that temporary relief be granted in this matter insofar as the request for revision of railroad locomotive fuel prices was concerned.

On March 26, 1941, Consumers' Counsel Division filed a motion for the correction of errors in the transcript of the hearing.

The original petition requests temporary and permanent relief as follows:

(1) (a) Modification of the sub-district designations and corresponding revision of the minimum prices for the following mines:

Producer	Mine	Mine index No.	Present sub-dist. price group	Proposed sub-dist. price group
Halcumb, N. H	Hunter	281	16	15
Hart & Sons, G. G	James	283	17	5
Hicks, Ernest (McGinley Mine)	McGinley	291	16	15
Hubbard, Frank D	Postal	297	5	4
Linn, David D. & R. F. Hutton	Daves Baby Grand	26	5	4
McDowell, Sipe and Martin (Riverside Farmers' Mine).	Riverside Farmers	336	16	15
Macy, Veva Pierce (Miss) (Sunshine Coal Co.)	Sunshine	324	20	19

(b) Revision of the classification of S. L. Staples' K. D. (O. C.) Mine (Mine Index No. 395) in Sub-District 11 to achieve a parity of minimum prices f. o. b. mine with Partch Brothers' (James E. Partch) Nu-Mine Mine (Mine Index No. 355), also in Sub-District 11.

(2) Revision of the boundaries of Market Areas 213, 221, 222 224, and 246;

(3) Amendment of the *Price Instructions and Exceptions* in the Schedule of Effective Minimum Prices for District No. 17 For All Shipments, as follows:

(a) Addition to the first sentence of paragraph 4, the words "and are applicable to rail and truck shipments;"

(b) Revision of paragraphs 8 and 11;

(c) Addition of a provision for seasonal discounts;

(4) Revision of certain size groups;

(5) Extensive revision of minimum prices for shipment via rail;

(6) Extensive revision of footnote exceptions to minimum prices;

(7) Additional minimum prices for railroad locomotive fuel; and

(8) Extensive revision of minimum prices for shipment via truck.

After the hearing on this matter had been held, two documents were filed by petitioner, one entitled "District No. 17 Requests Permission To Amend Its Petition of January 10, 1941 Under section 4 II (d) Docket A-598 In The Following Respects," and the other, "Summary Of Amendments To The Petition In The Above Entitled Matter, And Changes Or Concessions Made During The Course Of The Hearing." Neither document complies with the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. Nor do such documents purport to embody all changes in the original petition conceded by petitioner during the course of the hearing. They cannot be considered in their present form.

Except for the changes sought under item 1 above, the relief prayed for is of a complex nature, and seriously affects the established relationships of competing coals in many market areas, and intervening parties expressed opposition in various respects to the granting of such relief.

The Director has carefully considered the request for temporary relief and the views expressed thereon at the hearing. The Director is of the opinion that original petitioner has made no adequate showing of actual or impending injury in the event temporary relief is not granted, except with respect to relief sought under item 1 above. Granting relief with respect to items 2-8 above, in advance of a final determination of this matter would unduly prejudice other interested persons. No sufficiently clear showing has been made that petitioner is entitled to those items of relief. It is true that the record is likewise not quite clear as to the geographical location of the mines whose subdistrict designations are sought to be changed in item 1. Final disposition of this matter may require supplementary evidence in that respect. However, no opposition was expressed to this item of relief, and it does not appear that other interested persons will be prejudiced if it is granted. On the other hand, injury to the mines involved, if it is not granted, is likely.

Now, therefore, it is ordered, That with respect to items 2-8 above, petitioner's request for temporary relief be and it is denied, and that with respect to item 1 above, temporary relief be and it is hereby granted as follows: Effective ten (10) days from the date of this Order, and pending final disposition of this matter, the Schedule of Effective Minimum Prices for District No. 17 For All Shipments is amended as follows:

Pages 6-10. The following shall be listed in alphabetical order:

Producer	Mine	Mine index No.	County	Sub-dist. price group	Prices page	
					Rail	Truck
Halcumb, N. H	Hunter	281	Mesa	15	18	30
Hart & Sons, G. G	James	283	Moffat	5	13	25
Hicks, Ernest	McGinley	291	Mesa	15	18	30
Hubbard, Frank D	Postal	297	Routt	4	13	25
Linn, David D. & R. F. Hutton	Daves Grand Baby	26	Routt	4	13	25
McDowell, Sipe and Martin	Riverside Farmers	336	Mesa	15	18	30
Macy, Veva Pierce (Miss) (Sunshine Coal Co.).	Sunshine	324	La Plata	19	19	31
Staples, S. L	K. D. (OC)	395	Gunnison	11	16	29

In lieu of the minimum prices and other designations for the mines, the mine index numbers for which are listed above, now appearing in the Schedule of Effective Minimum Prices for District No. 17 for All Shipments, and Supplements thereto, the following minimum prices and designations shall be temporarily substituted in said Schedule and Supplements.

Page 25. Insert the following code member names (in alphabetical order), mine name and county, under Sub-Districts Nos. 4 and 5, and the following prices:

Sub-district No. 4. Hubbard, Frank D., Postal, Routt. Linn, David D. and R. F. Hutton, Daves Grand Baby, Routt.

Size groups											
1	2	3	4	5	6	7	9	10	11	13	17
480	470	450	450	425	390	375	325	285	260	170	315

Sub-district No. 5. Hart & Sons, G. G., James, Moffat.

Size groups											
1	2	3	4	5	6	7	9	10	11	13	17
355	345	325	325	300	270	260	250	240	225	170	315

Page 29. Insert the following code member name (in alphabetical order), mine name and county, under Sub-district No. 11, and the following prices:

Sub-district No. 11. Staples, S. L., K. D. (O. C.), Gunnison.

Size groups											
1	2	3	4	5	6	7	9	10	11	13	17
480	470	450	450	425	390	375	325	290	---	195	315

Page 30. Insert the following code member names (in alphabetical order), mine name and county, under Sub-District No. 15, and the following prices:

Sub-district No. 15. Halcumb, N. H., Hunter, Mesa. Hicks, Ernest, McGinley, Mesa.

Size groups											
1	2	3	4	5	6	7	9	10	11	13	17
---	425	410	410	385	---	---	360	285	245	195	285

McDowell, Sipe & Martin, Riverside Farmers, Mesa.

Size groups											
1	2	3	4	5	6	7	9	10	11	13	17
---	465	450	450	425	---	---	400	325	285	235	325

Page 31. Insert the following code member name (in alphabetical order), mine name and county, under Sub-District No. 19, and the following prices:

Sub-district No. 19. Macy, Veva Pierce (Miss.) (Sunshine Coal Company), Sunshine, La Plata.

Size groups											
1	2	3	4	5	6	7	9	10	11	13	17
---	375	375	375	375	---	---	375	265	---	160	300

[NOTE: The material set forth above is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Price Schedule No. 1 for District No. 17 and Supplements thereto.]

It is further ordered, That, upon motion of Consumers' Counsel Division, dated March 26, 1941, and in the absence of any opposition, and good cause therefor having been shown, the transcript of the hearing in this matter be and it is hereby corrected as requested in said motion.

Notice is hereby given that motions to stay, terminate or modify the temporary relief granted in this Order may be made pursuant to the Rules and Regulations of the Bituminous Coal Division for proceedings under section 4 II (d) of the Bituminous Coal Act of 1937.

Nothing contained herein shall be construed to represent the views of the Director on the final disposition of the issues herein involved.

Dated: May 28, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-3867; Filed, May 29, 1941; 10:08 a. m.]

[Docket No. A-623]

PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF A PRICE OF $1.00 PER TON ON ¼" X 0 SLUDGE, PRODUCED BY MINE INDEX 47, WHICH SIZE IS CURRENTLY EMBRACED IN SIZE GROUP 25

MEMORANDUM OPINION AND ORDER GRANTING PARTIAL TEMPORARY RELIEF

An original petition in this proceeding was filed with the Bituminous Coal Division by District Board 11 on January 25, 1941, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition requests temporary and final orders establishing a minimum price of $1.00 per ton on ¼" x 0 sludge produced at the King Station Mine (Mine Index 47) of the Princeton Mining Company ("Princeton"), a code member in District 11, for shipment to all market areas.

An intervening petition was filed by District Board 10, requesting that it be given an opportunity to be heard and that no action be taken prejudicial to the interests of intervener or the code members in District 10.

Pursuant to the request for temporary relief and the 4 II (d) rules, an informal conference concerning temporary relief was held on February 6, 1941, and the Director, thereafter, on February 24, 1941, entered an order denying temporary relief on the grounds, *inter alia*, that no adequate showing had been made of the necessity for such relief and that a hearing on the merits had been set for March 4, 1941.

Pursuant to an Order of the Director, and after notice to interested persons, a hearing in this matter was held on March 4, 1941 before a duly designated Examiner of the Division. On March 22, 1941, original petitioner filed a motion requesting that temporary relief be granted upon the record made at the hearing.

The following appears from the record: Prior to October 1, 1940, the effective date of minimum prices, Princeton disposed of picking table refuse accumulated at the King Station Mine by crushing it in a Bradford Breaker, washing it, and marketing the resultant product as cleaned breaker screenings. Shortly after, it installed a larger washing plant at this operation, and now washes a combination of 6" x 1¼" egg and crushed refuse taken from the lump picking table, screening the coal when the washing process is completed, into 6" x 3" egg, 3" x 2" nut, 2" x 1¼" nut, and 1¼" x ¼" stoker, and then dewatering these sizes over a ¼" round hole shaker screen. The resultant product, passing through the ¼" screen, is conveyed to a sludge tank, from which it is carried to bins for storage, for direct loading into railroad cars, or for mixing with other sizes of coal. Between 2 and 3 cars of ¼" x 0 sludge are produced each day, and about 13 to 14 cars each week. Between October 1, 1940, and February 22, 1941, 9,857 tons were produced, and 474 tons of which were shipped directly to consumers or retail yards, 803 tons were shipped under substitution permits on orders for raw carbon, 2,633 tons were mixed with other coal for railroad fuel, 4,807 tons were wasted by the C. & E. I. Railroad for Princeton at a cost of $9.50 per car to the latter, and 1,140 tons were on hand as no-bills at the mine on February 22, 1941.

Under the effective minimum prices, King Station's ¼" x 0 sludge is in Size Group 25—washed carbon—and takes the same prices as coals in that size group. The presently effective minimum prices f. o. b. mine for the King Station Mine coals in Size Group 25, as established by Order of the Director dated October 28, 1940 in Docket No. A-115, are as follows:

Size group	Price table Nos.					
	1	2	3	4	5	6
25	128	150	140	140	123	103

Original petitioner requests that these prices be reduced 50 cents per ton in so far as shipments of ¼" x 0 sludge are concerned.

It seems that the sludge contains an unusually high percentage of fines, and a moisture content, as loaded, running as high as 30 per cent, and is of considerably poorer quality than the washed carbon coals. Apparently the inferiority results chiefly from the fact that, whereas washed carbon is usually marketed after dewatering over 1 millimeter screens or in a centrifugal dryer, for the purpose of removing small fines and extraneous moisture, King Station's sludge is not prepared in that manner or by any other similar method. (It appears, however, that the high moisture content in the sludge coals, as loaded, is materially reduced by the time the coal is delivered.)

The evidence indicates that the principal market for the King Station Mine's ¼" x 0 sludge is Market Area 29, and that there it competes principally with comparable coals produced in the Central Illinois field of District 10, and to a lesser degree with the comparable coals from the Southern Illinois field. District Board 10's position is that King Station's sludge should not be permitted to deliver in Market Area 29 at lesser prices than Central Illinois washed carbon, urging that such latter coals would be severely prejudiced if the King Station ¼" x 0 sludge were accorded a price advantage. It presented evidence that, like the King Station sludge, Central Illinois washed carbon is not dewatered, and that the two coals are analytically comparable as delivered.

The effective minimum delivered prices for the competing coals in Market Area 29 are as follows:

Washed King Station ¼" x 0 sludge	$3.15
Raw Southern Illinois carbon	3.15
Washed Central Illinois carbon	2.90
Raw Southern Illinois dust	2.65

It appears that the freight rate from the King Station Mine to Chicago is $1.87 per ton. Taking account of this rate would compel an f. o. b. mine price of $1.03 for the King Station Mine ¼" x 0 sludge in order to permit it to deliver at equal delivered prices with the Central Illinois coals, that is, a reduction of 25 cents in the effective minimum prices.

In view of the foregoing circumstances, the Director is of the opinion that a reasonable showing has been made: Of the necessity for the extension of temporary relief to the petitioners, pending final disposition of the petitions herein; of actual or impending injury in the event relief is not granted; and that other interested parties will not be unduly prejudiced by the granting of relief to the extent of a 25-cent reduction in the effective minimum prices, pending final disposition of this proceeding. But granting of temporary relief to the full extent prayed for by original petitioners is not justified.

Now, therefore, it is ordered, That a reasonable showing of necessity therefor having been made, pending final disposition of the petitions in the above-entitled matters, temporary relief, pending final disposition of the petition in this proceeding, is granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 11, for All Shipments Except Truck, is temporarily amended by adding thereto the following Price Exception:

For Mine Index 47, the price listed herein for Size Group 25 may be reduced 25 cents per ton in the case of washed coal which is passed through a ¼" round-hole shaker screen and loaded without dewatering or any other processing or treatment.

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure before the Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: May 27, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-3866; Filed, May 29, 1941; 10:08 a. m.]

[Docket No. A-715]

PETITION OF THE CONSUMERS' COUNSEL DIVISION SEEKING FREE ALONGSIDE PRICES FROM DISTRICT 8 FOR THE PROCTER AND GAMBLE COMPANY, CINCINNATI, OHIO, IN MARKET AREA 19

MEMORANDOM OPINION AND ORDER CONCERNING TEMPORARY RELIEF

The original petition in this matter, filed with this Division on February 28, 1941, by Consumers' Counsel Division on behalf of the Procter and Gamble Company (the "Company"), a consumer, prays for the issuance of temporary and final orders permitting code members in District 8 to sell coal to the Company for delivery to its Ivorydale and St. Bernard plant located at St. Bernard, Ohio, within the switching limits of Cincinnati, Ohio, at the minimum f.o.b. mine prices for free alongside delivery.

District Board 8 intervened in opposition to the relief prayed for, and the Company appeared in support of the original petition.

Pursuant to an Order of the Director, a hearing was held before Travis Williams, a duly designated Examiner of the Division, at a hearing room of the Division, 734 Fifteenth Street NW., Washington, D. C., on April 7-8 and April 17-18, 1941.

Motions for temporary relief were filed by Consumers' Counsel Division on April 12 and May 12, 1941, and on April 16, 1941, the Company also requested such relief, pending final determination of the original petition.

It appears that:

St. Bernard, Ohio, where the Company operates its Ivorydale and St. Bernard plants, is situated within the switching limits of the City of Cincinnati and a few miles from the unloading docks on the Ohio River in that City. The all-rail freight rate to these plants from the Kanawha and Logan subdistricts in District 8 is $1.89, while the over-all river transportation charge is $1.34 and $1.64 (the Kanawha adjustment). These two plants consume approximately 150,000 tons of 2" x 0 coals each year, the St. Bernard, a relatively small consumer, requiring only about 10,000 to 15,000 tons annually. From 1929 to 1937, both plants received their total coal requirements, by river, but since January 1, 1938, coals have been received both by rail and river in the following proportions:

Year	River	Rail
1938	38,132 (38%)	61,534 (62%).
1939	43,019 (33%)	85,618 (67%).
1940 (to Nov. 1)	51,267 (41%)	72,720 (59%).
1940 (since Nov. 1)	Total requirements.	None.

In 1938, the Company received bids on its requirements from Island Creek Coal Sales Company, and from Hatfield-Campbell Creek Coal Sales Company for river shipment of coals from the Island Creek and No. 2 Gas seams, respectively, at $3.44 per ton delivered; from Logan and Kanawha Coal Sales Company for rail shipment of Island Creek seam coals at $3.69 per ton delivered; from Walter Bledsoe Company for rail shipment of Harlan seam coals at $3.79 delivered; and from Elkhorn Coal Corporation for rail shipment of Elkhorn No. 1 seam coals at $3.59 per ton delivered. In 1939, the same two river shippers bid for shipments of similar coals at $3.25 per ton delivered, whereas Amherst Fuel Company bid for rail shipment of Island Creek seam coals at $3.44, and Elkhorn, for rail shipped Elkhorn No. 1 seam coals at $3.59. In both 1938 and 1939, contracts were made with the river shippers at the prices bid.

The Company made tests and found the river and rail coals on which bids were received, substantially equal and in all respects comparable.

It is estimated that by so purchasing river coals, the Company saved an amount somewhere between $14,000 to $20,000 annually.

The purchase of the large tonnages of rail-shipped coals during 1938-1940, was a direct consequence of a marked increase in the steam load at the Ivorydale plant during that period. Apparently, it became necessary to increase the load at that plant, and that was accomplished by overtaxing the normal capacity of boilers in Boiler Room No. 1 at the plant (there are three boiler rooms). The coals purchased by river could not carry the increased load; it was found necessary to procure a coal with a higher ash fusion temperature; the Blue Diamond Coal Company coal with a fusion temperature of 2,900 degrees was tested and found satisfactory; and a substantial tonnage of such Blue Diamond coals was purchased aggregating approximately 215,000 tons. The Blue Diamond coals, though shipped by rail, delivered at the same prices as the river-shipped coals purchased by the Company.

In 1940, the Company completed additional boiler facilities for the burning of pulverized low grade coals, and since it having become generally unnecessary to procure coals with a high-ash fusion temperature, purchases have not been made from the Blue Diamond Coal Company, except in very small quantities.

District Board 8 contends that the Blue Diamond coals are comparable coals to those shipped to the Company via river, and that, consequently, the Company had not in the past purchased river-shipped coals at a savings under comparable rail-shipped coals. Original petitioner and the Company, however, urge that the Blue Diamond coals are inferior and not comparable to the river-shipped coals, and that they were purchased at the same prices only because of the emergent need for coals with a high ash fusion temperature. Contracts covering their purchases disclose that Blue Diamond coals were guaranteed only to contain a B. t. u. content of 13,243, whereas the Hatfield-Campbell Creek Coal Company river-shipped coals have a 14,130 B. t. u. content, and Island Creek river-shipped coals, a 14,200 B. t. u. content. Furthermore, in the effective minimum price schedules, the Blue Diamond coals are priced materially lower than the other two coals in the size groups in question. There is, therefore, some question whether the Blue Diamond coals are in fact comparable to the river-shipped coals purchased by the Company.

In view of the foregoing circumstances, the Director is of the opinion that a reasonable showing of necessity for the extension of temporary relief to the original petitioners, pending final disposition of the original petition, has been made. The interests of producer and consumer will thus be safeguarded; there is no showing that anyone will be prejudiced thereby.

Now, therefore, it is ordered, That a reasonable showing of necessity therefor having been made, pending final disposition of the petition in this matter, commencing forthwith, the Schedule of Effective Minimum Prices for District No. 8 shall be temporarily amended to permit code members to sell coals to the Procter and Gamble Company, for delivery only to its Ivorydale and St. Bernard plants located at St. Bernard, Ohio, at the minimum f. o. b. mine prices for free alongside delivery.

Nothing contained herein shall be taken to express the Director's views concerning the final disposition of any of the matters involved herein.

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted my be filed pursuant to the Rules and Regulations Governing Practice and Procedure before the Division, in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: May 27, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-3865; Filed, May 29, 1941; 10:08 a. m.]

[Docket No. A-757]

PETITION OF POCAHONTAS FUEL COMPANY INCORPORATED, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937 FOR PERMISSION TO SHIP SUB-STANDARD COAL PRODUCED AT MINE INDEX NOS. 102, 130 AND 162 OF DISTRICT NO. 7, WITH PROPER ALLOWANCE FOR THE INFERIOR QUALITY OF SUCH COAL

ORDER OF DISMISSAL

The original petitoner in the above-entitled matter having requested that the petition be withdrawn, and there having been no opposition to such request,

It is ordered, That the original petition in Docket No. A-757 be dismissed without prejudice.

Dated: May 27, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-3860; Filed, May 29, 1941; 10:07 a. m.]

[Docket No. A-858]

PETITION OF J. E. HOLMAN, A CODE MEMBER IN DISTRICT NO 2 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND EFFECTIVE MINIMUM PRICES FOR COALS PRODUCED AT MINE INDEX NO. 862 NOT HERETOFORE CLASSIFIED OR PRICED FOR SHIPMENT BY RAIL, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER OF DISMISSAL

J. E. Holman, the original petitioner herein, having requested the dismissal of his petition, and there being no opposition thereto;

It is hereby ordered, That this proceeding be, and it is hereby, dismissed without prejudice.

Dated: May 27, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-3861; Filed, May 29, 1941; 10:07 a. m.]

[Docket No. A-864]

PETITION OF CONSOLIDATION COAL COMPANY, INC., A CODE MEMBER IN DISTRICT NO. 1, FOR MODIFICATION OF THE EFFECTIVE MINIMUM PRICES FOR 1000 NET TONS OF COAL OF ITS MINE NO. 120-121, MINE INDEX NOS. 114 AND 115, TO BE SHIPPED FOR TEST PURPOSES, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER OF DISMISSAL

The original petitioner in the above-entitled matter having moved that its petition be withdrawn without prejudice, and it appearing that there is no objection thereto,

Now, therefore, it is ordered, That the said petition be, and it hereby is, dismissed, without prejudice.

Dated: May 27, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-3862; Filed, May 29, 1941; 10:07 a. m.]

[Docket No. A-878]

PETITION OF CHARLES LUCK, A CODE MEMBER IN DISTRICT 2 FOR AN ORDER REDUCING THE CLASSIFICATION (FROM GROUP 4 TO GROUP 2) AND MINIMUM PRICES OF COALS PRODUCED AT THE HANLIN MINE, MINE INDEX NO. 344, FOR RAILROAD FUEL USE

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on June 30, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Jos. D. Dermody or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before June 25, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to a change in the classification from Group 2 to Group 4 and a reduction

of 25¢ per net ton in Size Groups 1 to 6, inclusive, and 10¢ per net ton in Size Groups 7 to 9 inclusive, in the effective minimum prices for coals produced at petitioner's Hanlin mine, Mine Index No. 344, for railroad fuel use.

Dated: May 28, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-3856; Filed, May 29, 1941; 10:06 a. m.]

[Docket No. 1508-FD]

IN THE MATTER OF THE APPLICATION OF INDIANA COALS CORPORATION FOR PROVISIONAL APPROVAL AS A MARKETING AGENCY

ORDER GRANTING PROVISIONAL APPROVAL

Applicant, Indiana Coals Corporation, having on September 23, 1940 filed an application with the Bituminous Coal Division requesting provisional approval as a marketing agency pursuant to Order No. 6 issued by the National Bituminous Coal Commission (predecessor of the Bituminous Coal Division); and

The Director of the Bituminous Coal Division having, by Notice and Order for Hearing dated January 15, 1941, duly assigned the matter for hearing before an Examiner of the Division on February 7, 1941, at the Hearing Room of the Division, 734 Fifteenth Street NW., Washington, D. C.; and

A hearing having been duly held at the place designated in said Notice and Order for Hearing, on February 7, 1941, which hearing was continued on February 10, 1941 until February 27, 1941 and concluded on the same day; and

All the interested parties to this proceeding having waived the preparation and submission of any report, findings of fact or recommendation by the Trial Examiner, in preparation and submission of tentative findings of fact or orders by the Director and having agreed to submit this matter to the Director for determination upon the basis of the record herein; and

The Director having duly considered the application, the testimony and exhibits presented at the hearing, and the entire record in this proceeding, and upon the basis thereof having issued Findings of Fact and Conclusions and Opinion, a copy of which Findings of Fact and Conclusions and Opinion is now on file in the Office of the Division, Washington, D. C., and which by this reference are incorporated herein and made a part hereof:

It is ordered, That the application of Applicant for provisional approval as a marketing agency, pursuant to section XII of the Bituminous Coal Act of 1937 and Order No. 6 of the Commission, be and the same hereby is granted; and

It is further ordered, That the Applicant may, as to its members, and subject to the special conditions hereinafter set forth, provide for the cooperative marketing of their coal at prices not below the effective minimum prices nor above the effective maximum prices prescribed in accordance with section IV of the Act, and pursuant to the proposed marketing agency agreements submitted with its application:

Provided, That:

1. Applicant shall restrict its activities to the sale of bituminous coal produced in the State of Indiana (excluding those coals produced in the seam known as the "Brazil Block Coals") and sold for all-rail shipment from the mine and to such other incidental activities which are necessary for that purpose.

2. The amount of commissions to be paid to a sub-agent under the sub-agency contract submitted for approval shall not exceed (1) the amount now paid to such sub-agent under its sales agency contract made directly with the producer; and (2) shall in no event exceed 10% of the sale price.

3. The form of sub-agency contract submitted for approval should be modified so as to permit sales by sub-agents to registered farmers' cooperative organizations and to permit such sub-agents to allow such organizations the same discounts which are permitted to be allowed on sales to registered distributors.

4. The form of marketing agency agreements should be modified so as to provide specifically that discounts allowed to registered distributors or to registered farmers' cooperatives shall come out of the sub-agent's commission.

5. The amount of commissions payable to a special agent under the form of contract submitted for approval as Exhibit D of the application shall not exceed the maximum discounts established by the Division as allowable to a registered distributor on such sales.

6. The marketing agency agreements approved herein shall not be amended in any manner by the Applicant without prior approval of the Director and Applicant shall use only such forms of agreements as are approved herein.

7. Applicant shall submit to the Director and to the Consumers' Counsel a full report showing the initial classifications and prices established by it for the coals of its members and the reasons in support thereof. Such initial classifications and prices established by the Applicant shall become effective pursuant to the marketing agency agreement fifteen (15) days from the date such report is filed with the Director and with the Consumers' Counsel, unless the Director shall otherwise direct. Thereafter, the Applicant shall submit to the Director and to the Consumers' Counsel a list of any changes in such classifications and prices as soon as such changes are determined upon by the Applicant. Such changes shall become effective, pursuant to the marketing agency agreements, ten (10) days from the date such report is filed, unless the Director shall otherwise direct.

8. The Director, upon his own motion or upon motion of the Consumers' Counsel, may, at any time, without hearing or prior notice to the Applicant, suspend any or all classifications and prices established by the Applicant and require the Applicant to show cause why any or all such classifications and prices should not be modified. In the event that the Director finds that any or all of the prices established by the Applicant prevent the public from receiving coal at fair and reasonable prices, he may reduce or otherwise modify such prices and classifications and, in his discretion, may order the Applicant and its members receiving such excessive prices to refund to the interested purchasers the amounts collected which have been found by the Director to be excessive.

9. The Applicant shall file currently with the Director and with the Consumers' Counsel copies of all monthly or weekly consolidated reports issued by it showing distribution and realization of coal sold through the marketing agency.

10. Whenever the Director has reason to believe that the agreement under which Applicant is functioning, or the operations of Applicant, alone or in combination with other marketing agencies, or the operations of the members or sub-agents of Applicant, are tending to restrict unreasonably the supply of coal in interstate commerce, or to prevent the public from receiving coal at fair and reasonable prices, or are operating against the public interest in any market area or areas, the Director may, by order, propose a schedule of maximum prices and marketing practices for the Applicant in such area or areas, and shall in such order provide for a hearing concerning such proposed prices and practices, and the basis or necessity therefor. The Director may thereupon establish a schedule of maximum prices and marketing regulations for Applicant in such market area or areas, compliance with which shall thereupon become a condition of the continuance of this order.

11. All producers who are financially or otherwise interested in Applicant, and all producers for whom Applicant proposes to sell coal, whether as agent, factor, wholesale distributor or otherwise, shall continue to be members in good standing of the Bituminous Coal Code promulgated by the Division under the Bituminous Coal Act of 1937.

12. Applicant and each of its members shall observe the effective marketing regulations and the minimum and maximum prices from time to time established, and shall otherwise conduct the business and operations of Applicant in conformity with reasonable regulations for the protection of the public interest, to be prescribed by the Division.

13. No producer who is a member of the Applicant shall be financially or otherwise interested in, or be a member of, any marketing agency which fails to make application for or to secure approval as provided in Order No. 6 issued by the Commission on June 21, 1937; nor shall any producer who is a member of Applicant directly or indirectly market any coal through any such agency which fails to make such application or to secure such approval.

14. The Applicant shall report promptly and in full all discussions, plans, arrangements, understandings, or agreements undertaken by it, or its officers, members or agents, with other producers, distributors or marketing agencies, their officers, members, or agents, concerning prices in common markets, production control, or allocation or markets; and no such arrangements, understandings or agreements relating to the marketing of coal subject to the provisions of the Code and the Act shall be put into operation, except upon the written approval of the Director of the Division first obtained.

15. All contracts and agreements entered into by the Applicant (other than those in the ordinary course of business for the disposal of coal, the forms, terms and purposes of which have been approved herein, and other than those for the rental of office space or for the services of employees) shall be made subject to review and approval of the Director of the Division; and all such contracts and agreements shall be submitted to the Director of the Division for his prior approval in writing, first obtained.

16. If any producer who is a member of Applicant shall fail to retain his membership in good standing in the Code, Applicant shall terminate forthwith such producer's connection with the marketing agency.

17. Applicant shall notify the Director of the Division forthwith of any change in its membership; and shall neither accept nor reject any application on the part of any producer for membership in Applicant with respect to any mine not now represented by Applicant, without the written approval of the Director first obtained.

18. The provisional approval herein granted shall extend and apply to the organization and general plan of operation of Applicant as a marketing agency, and shall not be construed as an approval of specific acts of Applicant with reference to the classification of coals and the determination of prices for specific coals.

19. The Applicant shall at all times hold its books and records open for inspection of the Division and shall report regularly its prices, sales, commissions, commercial, captive and pre-agency contract tonnage and such other information pertinent to the operations of the agency as the Division may require.

If any of the aforesaid conditions shall not exist, or shall not be observed, the Director may, by order, suspend or revoke this order of approval.

This order of approval shall become effective on the date of publication thereof, and shall continue in effect for one year, subject to renewal upon application therefor, unless sooner suspended or revoked pursuant to section 12 of the Act.

Dated: May 27, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-3864; Filed, May 29, 1941; 10:08 a. m.]

[Docket No. 1580-FD]

IN THE MATTER OF POSEY HANCOCK, DEFENDANT

ORDER DISMISSING COMPLAINT

On request of the complainant, W. W. Crick, based upon lack of evidence to support the allegations of the complaint;

It is ordered, That the complaint herein be and the same is hereby dismissed.

Dated: May 27, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-3858; Filed, May 29, 1941; 10:06 a. m.]

[Docket No. 1607-FD]

IN THE MATTER OF WHITE OAK COAL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 9662, DEFENDANT

ORDER POSTPONING HEARING AND EXTENDING TIME OF DEFENDANT TO FILE ANSWER

The above-entitled matter having heretofore been scheduled for a continued hearing on June 2, 1941 at 10 o'clock a. m. at a hearing room of the Bituminous Coal Division at Room 921, Post Office Building, Detroit, Michigan before Edward J. Hayes, as a Trial Examiner, and the defendant having moved and shown good cause why such hearing should be postponed, and having also requested an additional extension of time within which to file its answer herein, and having shown good cause why said extension should be granted, and the Director deeming it advisable to postpone such hearing and grant such extension of time; and

The White Oak Coal Company, 409 Main Street, Mount Hope, West Virginia and Davy Fuel & Supply Co., Detroit, Michigan having been duly served with subpoenas requiring them to appear and give evidence in said proceeding before said Trial Examiner and to bring with them certain books and records;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed to June 30, 1941 at 10 o'clock a. m. at a hearing room of the Bituminous Coal Division, Room 921, Post Office Bldg., Detroit, Michigan, before Edward J. Hayes as a Trial Examiner, or any other officer of the Bituminous Coal Division that may be designated; and

It is further ordered, That the time for the filing by the White Oak Coal Company, defendant, of its answer herein be, and the same is, hereby extended to, and including, June 20 1941; and

It is further ordered, That said White Oak Coal Company and Davy Fuel & Supply Co. appear before said Edward J. Hayes as a Trial Examiner, at the place hereinabove named, on June 30, 1941 at 10 o'clock a. m. instead of on April 21, 1941 as heretofore directed in said subpoenas.

Dated: May 27, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-3857; Filed, May 29, 1941; 10:06 a. m.]

[Docket No. 1678-FD]

IN THE MATTER OF WALLACE COAL COMPANY, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated April 24, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on April 26, 1941, by Bituminous Coal Producers Board for District No. 10, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on June 30, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Circuit Court Room, County Court House, Marion, Illinois.

It is further ordered, That W. A. Shipman or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically

alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That the defendant during the period from September 30, 1940, to and including March 3, 1941, violated the effective minimum prices by selling coal for rail delivery to Armour & Company of Chicago, Illinois as follows:

(a) Approximately 4,758 tons of 2" screenings for delivery to Armour & Company at its branches located at Huron, South Dakota and Stoughton, Wisconsin at the price of $1.10 per ton f. o. b. the mine, whereas the effective minimum price for such coal was $1.40 per ton f. o. b. the mine;

(b) Approximately 37,952 tons of 2" screenings, 3" x 2" nut and 1¼" screenings for delivery to said Armour & Company at Chicago, Illinois, at the price of $1.10 per ton f. o. b. the mine for 2" screenings and 3" x 2" nut, and 99¢ per ton f. o. b. the mine for 1¼" screenings, whereas the effective minimum prices f. o. b. the mine for such coal were as follows: $1.40 per ton for 2" screenings, $2.05 per ton for 3" x 2" nut, and $1.30 per ton for 1¼" screenings.

Dated: May 28, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-3855; Filed, May 29, 1941; 10:06 a. m.]

General Land Office.

FIVE-ACRE TRACT CLASSIFICATION NO. 4

Correction

F.R. Doc. 41-3690 (filed May 23, 1941, at 9:51 a. m.) appearing on page 2565 of the issue for Saturday, May 24, 1941, is corrected as follows:

The land described in section 27 should read "N½NW¼". The word "subdivision" in the third sentence of the second paragraph should read "subdivisions."

DEPARTMENT OF COMMERCE.

Civil Aeronautics Authority.

[Docket Nos. 533, 552]

IN THE MATTER OF THE APPLICATIONS OF MIROW AIR SERVICE, WIEN ALASKA AIRLINES, INC. AND SIGURD WIEN FOR APPROVAL OF PURCHASE AND INTERLOCKING RELATIONSHIP UNDER SECTIONS 408 AND 409 OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

The above-entitled application, Docket No. 533, of Mirow Air Service, Wien Alaska Airlines, Inc., and Sigurd Wien for approval of an interlocking relationship existing by reason of the holding by Sigurd Wien of the office of President and Director of Wien Alaska Airlines, Inc., and at the same time being employed as managing officer of Mirow Air Service, and the application of Madeline Mirow, Sigurd Wien and Wien Alaska Airlines, Inc., Docket No. 552, for approval of a contract of purchase of Mirow Air Service by Sigurd Wien and approval of interlocking relationship which may then exist by reason of the fact that Sigurd Wien will retain the office of President and Director of Wien Alaska Airlines, Inc., and at the same time be the sole owner of Mirow Air Service, are hereby assigned for public hearing on July 14, 1941, at 10 o'clock a. m. (Eastern Standard Time), in Room 7057 Commerce Building, 14th Street and Constitution Ave. NW., Washington, D. C., before an Examiner of the Board.

Dated Washington, D. C., May 28, 1941.

By the Civil Aeronautics Board.

[SEAL] THOMAS G. EARLY,
Secretary.

[F. R. Doc. 41-3846; Filed, May 29, 1941; 9:51 a. m.]

[Docket No. 606]

IN THE MATTER OF THE APPLICATION OF PAN AMERICAN-GRACE AIRWAYS, INC. FOR AMENDMENT OF ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 OF THE CIVIL AERONAUTICS ACT OF 1938, AS AMENDED

NOTICE OF HEARING

The above-entitled proceeding, being the application of Pan American-Grace Airways, Inc. for amendment of its existing certificate authorizing air transportation between Cristobal, Canal Zone, and Buenos Aires, Argentina via certain intermediate points, so as to authorize the transportation by air of persons, property and mail to and from Cochabamba, Sucre, Vallegrande, Santa Cruz, Concepcion, San Ignacio, San Jose, Robore, Puerto Suarez, Bolivia, and Corumba, Brazil, is hereby assigned for public hearing on June 2, 1941, 10:30 a. m. (Eastern Standard Time) in Room 7856 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before an examiner of the Board.

Dated at Washington, D. C., May 28, 1941.

By the Civil Aeronautics Board.

[SEAL] THOMAS C. EARLY,
Secretary.

[F. R. Doc. 41-3847; Filed, May 29, 1941; 9:51 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF HEARING ON MINIMUM WAGE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 26 FOR THE JEWELRY MANUFACTURING INDUSTRY

Whereas the Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, on October 23, 1940, by Administrative Order No. 66,[1] appointed Industry Committee No. 17 for the Jewelry Manufacturing Industry, composed of an equal number of representatives of the public, employers in the Industry, and employees in the Industry, such representatives having been appointed with due regard to the geographical regions in which the Industry is carried on; and

Whereas on November 26, 1940, the Administrator amended the definition of the Jewelry Manufacturing Industry by issuing Administrative Order No. 74;[2] and

Whereas Industry Committee No. 17 on December 17, 1940, recommended minimum wage rates for the Jewelry Manufacturing Industry and duly adopted a report containing said recommendations and reasons therefor, and filed such report with the Administrator on December 18, 1940, pursuant to section 8 (d) of the Act and § 511.19 of the Regulations issued under the Act; and

Whereas after due notice published in the FEDERAL REGISTER Henry T. Hunt, Esquire, the Presiding Officer designated by the Administrator, held a public hearing upon the Committee's recommendations at Washington, D. C., on January 21 to 24, inclusive, and February 3, 1941, at which all interested persons were given an opportunity to be heard; and

Whereas the complete record of the proceedings before the Presiding Officer was transmitted to the Administrator; and

Whereas all persons appearing at said public hearing before the Presiding Officer were given leave to file briefs before March 6, 1941, and to offer oral argument before the Administrator on March 19, 1941; and

Whereas the Administrator, upon reviewing all the evidence adduced in these proceedings and giving consideration to the provisions of the Act with special reference to Sections 5 and 8, concluded that the Industry Committee's recommendations for the Jewelry Manufacturing Industry as defined in Administrative Order No. 74 were not made in accordance with law; and

Whereas the Administrator set forth his decision in an opinion entitled "Administrator's Findings and Opinion in the Matter of the Recommendations of Industry Committee No. 17 for Minimum Wage Rates in the Jewelry Manufacturing Industry," dated April 24, 1941, a copy of which may be had upon request addressed to the Wage and Hour Division, Washington, D. C.; and

Whereas on April 24, 1941, by Administrative Order No. 100,[3] the Administrator, acting pursuant to sections 8 (d) and 5 (b) of the Fair Labor Standards Act of 1938, appointed Industry Committee No. 26 for the Jewelry Manufacturing Industry, composed of an equal

[1] 5 F.R. 4206.
[2] 5 F.R. 4691.
[3] 6 F.R. 2205.

number of representatives of the public, employers in the Industry, and employees in the Industry, such representatives having been appointed with due regard to the geographical regions in which the Industry is carried on;[1] and

Whereas Industry Committee No. 26, on May 19, 1941, recommended minimum wage rates for the Jewelry Manufacturing Industry and duly adopted a report containing such recommendation and reasons therefor, and filed such report with the Administrator on May 21, 1941, pursuant to section 8 (d) of the Act and § 511.19 of the Regulations issued thereunder; and

Whereas the Administrator is required by section 8 (d) of the Act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order the recommendation of Industry Committee No. 26 if he finds that such recommendation is made in accordance with law and is supported by the evidence adduced at the hearing before him and taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of Section 8 of the Act; and, if he finds otherwise, to disapprove such recommendation; and

Whereas section 8 (f) of the Act provides that wage orders "shall contain such terms and conditions as the Administrator finds necessary to carry out the purposes of such orders, to prevent the circumvention or evasion thereof, and to safeguard the minimum wage rates established therein;" and

Whereas there are employees employed in homes in the production of jewelry for commerce:

Now, therefore, notice is hereby given that:

I. The recommendation of Industry Committee No. 26 is as follows:

Every employer shall pay not less than 40 cents per hour to each of his employees in the Jewelry Manufacturing Industry, as defined in Administrative Order No. 100, dated April 24, 1941.

II. The definition of the Jewelry Manufacturing Industry as set forth in Administrative Order No. 100, issued April 24, 1941, is as follows:

(a) The manufacturing, processing, or assembling, wholly or partially from any material, of jewelry, commonly or commercially so known. Jewelry as used herein *includes*, without limitation, religious, school, college, and fraternal insignia; articles of ornament or adornment designed to be worn on apparel or carried on or about the person, including without limitation, cigar and cigarette cases, holders, and lighters; watch cases; metal mesh bags and metal watch bracelets; and chain, mesh, and parts for use in the manufacture of any of the articles included in this definition. Jewelry as used herein *does not include* pocket knives, cigar cutters, badges, emblems, military and naval insignia, belt buckles, and handbag and pocketbook frames and clasps, or commercial compacts and vanity cases, except when made from or embellished with precious metals or precious, semiprecious, synthetic, or imitation stones; and the assaying, refining, and smelting of base or precious metals.

The term "parts" as used in the foregoing paragraph does not include parts which are used predominantly for products other than jewelry, such as springs, blades, and nail files. The term "commercial compacts and vanity cases" as used means compacts and vanity cases which bear the trade name or mark of a cosmetic manufacturer and are made for the purpose of distributing or advertising said cosmetics.

(b) The manufacturing, cutting, polishing, encrusting, engraving, and setting of precious, semiprecious, synthetic, and imitation stones.

(c) The manufacturing, drilling, and stringing of pearls, imitation pearls, and beads designed for use in the manufacture of jewelry.

III. The full text of the report and recommendation of Industry Committee No. 26 is and will be available for inspection by any person between the hours of 9:00 a. m. and 4:30 p. m. at the following offices of the United States Department of Labor, Wage and Hour Division:

Boston, Massachusetts, Walker Building, 120 Boylston Street.

New York, New York, Parcel Post Building, 341 Ninth Avenue.

Philadelphia, Pennsylvania, 1216 Widener Building, Chestnut & Juniper Streets.

Pittsburgh, Pennsylvania, 219 Old Post Office Building.

Newark, New Jersey, 1004 Kinney Building, 790 Broad Street.

Richmond, Virginia, 215 Richmond Trust Building, 627 East Main Street.

Baltimore, Maryland, 606 Snow Building, Calvert & Lombard Streets.

Columbia, South Carolina, Federal Land Bank Building, Hampton & Marion Streets.

Raleigh, North Carolina, North Carolina Department of Labor.

Atlanta, Georgia, Fifth Floor Witt Building, 249 Peachtree Street NE.

Jacksonville, Florida, 456 New Post Office Building.

Birmingham, Alabama, 1007 Comer Building, 2nd Avenue & 21st Street.

New Orleans, Louisiana, 1512 Pere Marquette Building.

Nashville, Tennessee, 509 Medical Arts Building.

Cleveland, Ohio, Main Post Office, West Third & Prospect Avenue.

Cincinnati, Ohio, 1312 Traction Building, 5th & Walnut Streets.

Chicago, Illinois, 1200 Merchandise Mart, 222 West North Bank Drive.

Minneapolis, Minnesota, 406 Pence Building, 730 Hennepin Avenue.

St. Louis, Missouri, 100 Old Federal Building.

Denver, Colorado, 300 Chamber of Commerce Building, 1726 Champa Street.

Dallas, Texas, 824 Santa Fe Building, 1114 Commerce Street.

San Francisco, California, 500 Humboldt Bank Building, 785 Market Street.

Los Angeles, California, 417 H. W. Hellman Building, 354 South Spring Street.

San Juan, Puerto Rico, Post Office Box 112.

Seattle, Washington, 305 Post Office Building, 3rd Avenue & Union Street.

Juneau, Alaska, D. B. Stewart, Commissioner of Mines.

Washington, District of Columbia, Department of Labor, 4th Floor.

Kansas City, Missouri, 504 Title & Trust Building, 10th & Walnut Streets.

Copies of the Committee's report and recommendation may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, Department of Labor, Washington, D. C.

IV. A public hearing will be held on June 24, 1941, before Henry T. Hunt, Esquire, Principal Hearings Examiner of the Wage and Hour Division, United States Department of Labor, as Presiding Officer, at 10:00 a. m. in the Washington Hotel, 15th Street and Pennsylvania Avenue, NW., Washington, D. C., for the purpose of taking evidence on the following questions:

1. Whether the recommendation of Industry Committee No. 26 should be approved or disapproved; and

2. In the event an order is issued approving the recommendation, what, if any, prohibition, restriction, or regulation of home work in this Industry is necessary to carry out the purposes of such order, to prevent the circumvention or evasion thereof, and to safeguard the minimum wage rate established therein.

V. The record of the hearing held on January 21 to 24, inclusive, and February 3, 1941, will be introduced in evidence at this hearing. A copy of this record may be examined between the hours of 9:00 a. m. and 4:30 p. m. in the Wage and Hour Division, United States Department of Labor, Washington, D. C.

VI. Any interested person, supporting or opposing the recommendation of Industry Committee No. 26 may appear at the aforesaid hearing to offer evidence, either on his own behalf or on behalf of any other person: *Provided*, That not later than June 18, 1941, any such person shall file with the Administrator at Washington, D. C., a notice of his intent to appear which shall contain the following information:

1. The name and address of the person appearing.

2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing.

3. Whether such person proposes to appear for or against the recommendation of Industry Committee No. 17.

[1] By Administrative Order No. 107 (6 F.R. 2456), dated May 14, 1941, the Administrator accepted the resignation of Samuel E. Beardsley and appointed in his place Elias Berkoff of Bronx, New York, New York.

4. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C., and shall be deemed filed upon receipt thereof.

VII. Any person interested in supporting or opposing the recommendation of Industry Committee No. 26 may secure further information concerning the aforesaid hearing by inquiry directed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C., or by consulting with attorneys representing the Administrator who will be available for that purpose at the offices of the Wage and Hour Division in Washington, D. C.

VIII. Copies of the following documents relating to the Jewelry Manufacturing Industry will be made available upon request for inspection by any interested person who intends to appear at the aforesaid hearing:

U. S. Department of Labor, Bureau of Labor Statistics, Division of Wage and Hour Statistics, *Earnings and Hours in the Jewelry Manufacturing Industry, February 1940.*

U. S. Department of Labor, Wage and Hour Division, Research and Statistics Branch, *Report on the Jewelry Manufacturing Industry, November 1940.*

U. S. Department of Labor, Bureau of Labor Statistics, Monthly Labor Review, *Differences in Living Costs in Northern and Southern Cities, July 1939.*

IX. The hearing will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Administrator or the Principal Hearings Examiner as are deemed appropriate:

1. The hearing shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request made to the official reporter, Electric Reporting Service, 1707 Eye Street NW., Washington, D. C.

2. In order to maintain orderly and expeditious procedure, each person filing a Notice to Appear shall be notified, if practicable, of the approximate day and the place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice he will not be permitted to offer evidence at any other time except by special permission of the presiding officer.

3. At the discretion of the presiding officer the hearing may be continued from day to day, or adjourned to a later date, or to a different place, by announcement thereof at the hearing by the presiding officer, or by other appropriate notice.

4. At any stage of the hearing, the presiding officer may call for further evidence upon any matter. After the presiding officer has closed the hearing before him, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

5. All evidence must be presented under oath or affirmation.

6. Written documents or exhibits, except as otherwise permitted by the presiding officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

7. Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the presiding officer. When evidence is embraced in a document containing matter not intended to be put in evidence, such a document will not be received, but the person offering the same may present to the presiding officer the original document together with two copies of those portions of the document intended to be put in evidence. Upon presentation of such copies in proper form the copies will be received in evidence.

8. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may apply in writing for the issuance by the Administrator of the subpoena. Such application shall be timely and shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

9. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

10. The rules of evidence prevailing in the courts of law or equity shall not be controlling.

11. The presiding officer may, at his discretion, permit any person appearing in the proceeding to cross-examine any witness offered by another person in so far as is practicable, and to object to the admission or exclusion of evidence by the presiding officer. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the ground of objection relied on. Such requests or objections shall become a part of the record, but this record shall not include argument thereon except as ordered by the presiding officer. Objections to the approval of the Committee's recommendation and to the promulgation of a wage order based upon such approval must be made at the hearing before the presiding officer.

12. Before the close of the hearing, the presiding officer shall receive written requests from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matter in issue. These requests will be forwarded to the Administrator by the presiding officer with the record of the proceedings. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceedings, and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

13. Briefs (12 copies) may be submitted to the Administrator following the close of the hearing, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

14. On the close of the hearing the presiding officer shall forthwith file a complete record of the proceedings with the Administrator. The presiding officer shall not file an intermediate report unless so directed by the Administrator. If a report is filed, it shall be advisory only and have no binding effect upon the Administrator.

15. No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 28th day of May 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-3868; Filed, May 29, 1941; 11:40 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5949]

NOTICE RELATIVE TO HUGH J. POWELL (KGGF)

Application dated May 20, 1940, for construction permit; class of service, broadcast; class of station, broadcast; location, Coffeyville, Kansas; operating assignment specified: Frequency, 690 kc.; power, 5 kw. (DA-night); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the legal, technical, financial and other qualifications of the

applicant to construct and operate the proposed station.

2. To determine the nature and character of the technical and program service proposed to be rendered.

3. To determine the nature, extent and effect of interference which would result during daytime hours between the proposed station and Station KFEQ, St. Joseph, Missouri, using the frequency 680 kc.

4. To determine the nature, extent and effect of interference which would result between the proposed station and stations operating as proposed in pending applications of KMBC (B4–P–2984), KOMA (B3–P–2703), KFEQ (B4–P–2477), and WHB (B4–P–2873).

5. To determine whether public interest, convenience and necessity will be served by the granting of this application and the applications of KMBC (B4–P–2984), KOMA (B3–P–2703), or any of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Proceduce. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Hugh J. Powell, Radio Station KGGF, Journal Building, Cor. 8th and Elm Sts., Coffeyville, Kansas.

Dated at Washington, D. C., May 27, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41–3834; Filed, May 28, 1941; 12:03 p. m.]

[Docket No. 6058]

NOTICE RELATIVE TO ADIRONDACK BROADCASTING CO., INC., (WABY)

Application dated February 5, 1941, for modification of license; class of service, broadcast; class of station, broadcast; location, Albany, New York; operating assignment specified: Frequency, 1,210 kc. (1,240 under NARBA); power, 250 w.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the day and nighttime service area of Station WABY as now operated and the area which would be served through operation of the station as proposed in the instant application.

2. To determine the nature and extent of any interference which the proposed operation of Station WABY would cause to Station WHAI, Greenfield, Massachusetts.

3. To determine whether the granting of the application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

4. To determine the nature and extent of the interference which the proposed operation of WABY would cause to operation of the station proposed to be constructed by Western Gateway Broadcasting Company, application B1–P–2690, or the station proposed to be constructed by Van Curler Broadcasting Corporation, application B1–P–2661.

5. To determine whether the application was filed for the purpose of delaying consideration of other applications pending before the Commission or for the purpose of delaying, hindering or preventing construction of other stations designed to serve all or any part of the Albany-Troy-Schenectady area.

6. To determine whether applicant or persons responsible for the filing of the application have failed to disclose any material facts concerning the purpose for which the application was filed.

7. To determine whether, in view of the evidence adduced under the preceding issues, public interest, convenience or necessity would be served by the granting of the application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Adirondack Broadcasting Co., Inc., Radio Station WABY, Radio Center, 8 Elk Street, Albany, New York.

Dated at Washington, D. C., May 27, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41–3835; Filed, May 28, 1941; 12:04 p. m.]

[Docket No. 6074]

NOTICE RELATIVE TO PORT ARTHUR COLLEGE (KPAC)

Application dated February 8, 1940, for modification of license; class of service, broadcast; class of station, broadcast; location, Port Arthur, Texas; operating assignment specified: frequency, 1220 kc.; power, 1 kw. night; 1 kw. day (DA–night); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether the granting of the application would be consistent with the standards of good engineering practice; particularly as to transmitter location;

2. To determine the nature, extent and character of the interference which the operation of Station KPAC, as proposed herein, would cause to Mexican Stations XEAT, at Parral; XEDK, Monterrey; and XETF, Guadalajara;

3. To determine the nature, extent and character of any interference which would result to the service of Station KPAC; operating as proposed simultaneously with stations as proposed by Scripps Howard Radio, Inc. (B3–P–2962), Texas Star Broadcasting Co. (B3–P–3006), and Greater Houston Broadcasting Co., Inc. (B3–P–3137), of Houston, Texas;

4. To determine whether the operation of KPAC, as proposed, would be consistent with the provisions of the North American Regional Broadcasting Agreement;

5. To determine the area and population served by KPAC as now operated and the area and population which would be served by the operation of Station KPAC, as proposed.

6. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

7. To determine whether in view of the matters shown by examination of the foregoing issues, public interest, convenience or necessity will be served by granting the application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Port Arthur College, Radio Station KPAC, 1500 Procter Street, Port Arthur, Texas.

Dated at Washington, D. C., May 27, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-3836; Filed, May 28, 1941; 12:04 p. m.]

[Docket No. 6087]

NOTICE RELATIVE TO ELMIRA STAR-GAZETTE, INC. (WENY)

Application dated December 26, 1940; for construction permit; class of service, broadcast; class of station, broadcast; location, Elmira, New York; operating assignment specified: Frequency, 590 kc.; power, 1 kw. (DA night and day); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether the granting of the application would be consistent with the Standards of Good Engineering Practice particularly as to blanketing, coverage, and percentage of population between a normally-protected contour and the interference-free contour.

2. To determine the nature and extent of any interference which would result to the service of Station WMBS, Uniontown, Pennsylvania, should Station WENY operate as proposed.

3. To determine the extent to which the service of applicant station would be limited by interference if operated as proposed.

4. To determine the area and population served by Station WENY as now operated and the area and population which would be served by the operation of the station as proposed.

5. To determine the areas and population, if any, in and adjacent to Elmira, N. Y. and Uniontown, Penna., which would be deprived of broadcast service now rendered by Stations WENY and WMBS respectively, by the operation of Station WENY as proposed, and the availability of broadcast service to the affected areas from other broadcast stations.

6. To determine whether the granting of the application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

7. To determine whether, in view of the matters shown by examination of the foregoing issues, public interest, convenience or necessity would be served by granting the application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Elmira Star-Gazette, Inc., Radio Station WENY, 201 Baldwin St., Elmira, N. Y.

Dated at Washington, D. C., May 27, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-3837; Filed, May 28, 1941; 12:04 p. m.]

[Docket No. 2639]

IN THE MATTER OF TELEGRAPH DIVISION ORDER NO. 12: THE JUSTNESS AND REASONABLENESS OF THE RATIO BETWEEN THE CHARGES FOR ORDINARY AND URGENT MESSAGES (EXCEPT PRESS URGENT MESSAGES) AS PRESCRIBED IN THE TARIFFS OF RESPONDENT CARRIERS; AND THE EXISTENCE OF DISCRIMINATIONS, PREJUDICES, OR DISADVANTAGES RESULTING FROM SUCH RATIO

ORDER DENYING PETITION FOR REHEARING

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of May 1941.

The Commission having under consideration the petition of R. C. A. Communications, Inc., for rehearing and the opposition of the International Communications Committee to the petition for rehearing of the above-entitled matter and having under consideration its decision and its order of April 30, 1941, herein, it is

Ordered, That the petition of R. C. A. Communications, Inc., for rehearing be, and it hereby is, denied.

It is further ordered, That the Commission's order of April 30, 1941, be, and it hereby is, set aside and revoked.

It is further ordered, That on and after the 1st day of July, 1941, the lawful charge for handling Urgent Full Rate and Urgent CDE messages (except Press Urgent messages) shall not exceed 1½ times the charge for handling Ordinary Full Rate and Ordinary CDE messages, respectively, for messages between the United States, its territories and possessions, and any point with which the transmitting or receiving carrier within the United States, its territories or possessions, maintains direct communication, including messages which may originate at or be destined to a point beyond that with which direct communication is maintained for such portion of the handling as occurs between the United States, its territories and possessions and the point with which direct communication is maintained.

It is further ordered, That on and after the 1st day of July, 1941, The Western Union Telegraph Company, R. C. A. Communications, Inc., and the Commercial Cable Company shall cease and desist charging, collecting and receiving, or participating in charges for Urgent Full Rate and Urgent CDE messages (except Press Urgent messages) as set forth hereinabove which bear any greater ratio than 1½ to 1 to the charges for Ordinary Full Rate and Ordinary CDE messages, respectively.

It is further ordered, That the rates to be filed pursuant to this order may become effective upon less than thirty days notice to this Commission and to the public and that appropriate tariffs shall be filed.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-3885; Filed, May 29, 1941; 11:09 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5684]

IN THE MATTER OF PEOPLES POWER COMPANY

ORDER POSTPONING HEARING

MAY 28, 1941.

It appearing to the Commission that:

Good cause has been shown for the postponement of the hearing in this proceeding;

The Commission orders that:

The hearing in this proceeding, heretofore set to commence on June 2, 1941, be and it is hereby postponed until June 16, 1941, at 9:45 a. m., in Room 207, United States Post Office Building, Moline, Illinois.

By the Commission.

LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 41-3887; Filed, May 29, 1941; 11:14 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 3991]

IN THE MATTER OF DOW CHEMICAL COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of May, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A. section 47).

It is ordered, That James A. Purcell, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive

evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, June 4, 1941, at ten o'clock in the forenoon of that day (eastern standard time) in the office of John D. Mershon, Custodian, Federal Building, Saginaw, Michigan.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-3869; Filed, May 29, 1941; 10:56 a. m.]

[Docket No. 4084]

IN THE MATTER OF SANFORD MILLS, A CORPORATION, AND L. C. CHASE & CO., INC., A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of May, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That W. W. Sheppard, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, June 9, 1941, at nine o'clock in the forenoon of that day (eastern standard time) in the Hotel St. George, Brooklyn, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-3870; Filed, May 29, 1941; 10:56 a. m.]

[Docket No. 4416]

IN THE MATTER OF JOSEPH WARNER FURNITURE CORPORATION, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of May, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That W. W. Sheppard, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, June 5, 1941, at nine o'clock in the forenoon of that day (eastern standard time) in the Hotel St. George, Brooklyn, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-3871; Filed, May 29, 1941; 10:56 a. m.]

[Docket No. 4429]

IN THE MATTER OF SNAP-ON TOOLS CORPORATION, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of May, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That John W. Addison, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, June 11, 1941, at nine o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-3872; Filed, May 29, 1941; 10:56 a. m.]

[Docket No. 4462]

IN THE MATTER OF CONTINENTAL PREMIUM MART, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of May, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That John W. Addison, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, June 5, 1941, at ten o'clock in the forenoon of that day (central standard time) in the office of Mr. Fleissner, Custodian, Federal Building, Milwaukee, Wisconsin.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-3873; Filed, May 29, 1941; 10:57 a. m.]

[Docket No. 4472]

IN THE MATTER OF W. HILLYER RAGSDALE, ANNIE M. RAGSDALE, MARSHALL D. RAGSDALE, AND IDA J. RAGSDALE, INDIVIDUALLY AND DOING BUSINESS UNDER THE NAMES AND STYLES OF W. HILLYER RAGSDALE, W. HILLYER RAGSDALE, INC., AND RAGSDALE CANDIES

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At the regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 27th day of May, A. D. 1941.

This matter being at issue and ready for the taking of testmony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A. section 41.

It is ordered, That W. W. Sheppard, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law:

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, June 3, 1941, at nine o'clock in the forenoon of that day (eastern standard time) in the St. George Hotel, Brooklyn, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-3874; Filed, May 29, 1941; 10:57 a. m.]

[Docket No. 4480]

IN THE MATTER OF PERCE P. GREEN AND HOWARD RAND, INDIVIDUALS, TRADING AS GREEN SUPPLY COMPANY, NATIONAL MERCHANDIZING COMPANY, AND NATIONAL SUPPLY COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of May, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That John W. Addison, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, June 6, 1941, at ten o'clock in the forenoon of that day (central standard time) in Room 208, Federal Building, Minneapolis, Minnesota.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-3875; Filed, May 29, 1941; 10:57 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-58]

IN THE MATTER OF WISCONSIN POWER AND LIGHT COMPANY

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 27th day of May, A. D. 1941.

Wisconsin Power and Light Company having filed an application pursuant to the Public Utility Holding Company Act of 1935, particularly section 6 (b) thereof, regarding the proposed issue and sale of

(a) $1,850,000 of 2¼% unsecured notes, due serially 1941-46; and

(b) $1,000,000 principal amount of unsecured 2¾% notes, maturing in four semi-annual installments of $185,000 each beginning December 1, 1946 and one installment of $260,000 on December 1, 1948;

A public hearing having been held on said application after appropriate notice; the Commission having considered the record made and having issued its findings and order on June 8, 1940 approving said application with respect to the issue and sale of notes specified in paragraph (a) above but having reserved jurisdiction, pursuant to applicant's request, with respect to the proposed future issue and sale of the notes specified in paragraph (b) above;

Said company having filed on April 14, 1941 an amendment to said application requesting approval on or before May 27, 1941 of the issue and sale of the notes specified in paragraph (b) above; and

The Commission finding with respect to said application, as amended, that the requirements of section 6 (b) of the Act are satisfied;

It is hereby ordered, Subject to the terms and the conditions prescribed in Rule U-24, that the jurisdiction heretofore reserved be, and it hereby is, released, and that the aforesaid application, as amended, be, and it hereby is, granted forthwith.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-3890; Filed, May 29, 1941; 11:42 a. m.]

[File No. 70-307]

IN THE MATTER OF LUZERNE COUNTY GAS AND ELECTRIC CORPORATION

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 27th day of May, A. D. 1941.

Luzerne County Gas and Electric Corporation having filed an application and declarations pursuant to the Public Utility Holding Company Act of 1935 particularly sections 6 (b), 7 and 12 (c) and Rule U-42 thereunder, relating to the following transactions:

(1) The issue and sale to underwriters of 44,000 shares of 5¼% Preferred Stock (Cumulative, Par Value $100 per share), subject, however, to an exchange offer to be made to the present holders of the presently outstanding 54,697 shares of $6 and $7 Dividend Cumulative Preferred Stock, the proceeds to be used to redeem and retire said outstanding Preferred Stock which is callable at $105 per share;

(2) The issue and sale of $900,000 principal amount of Serial Notes, the proceeds to be applied to the redemption and retirement of 10,697 shares of presently outstanding $6 and $7 Dividend Cumulative Preferred Stock; and

(3) The incidental alteration of voting rights of securities of Luzerne County Gas and Electric Corporation;

A public hearing having been held thereon after appropriate notice, and the Commission having considered the record in this matter and having filed its findings and opinion herein;

It is ordered, That said application pursuant to section 6 (b) be, and the same hereby is, granted, and that said declarations pursuant to sections 7 and 12 (c) and Rule U-42 thereunder by, and the same hereby are, permitted to become effective, subject to the terms and conditions prescribed in Rule U-24, and to the following terms and conditions:

(1) Not later than fifteen (15) days after the close of the exchange offer, Luzerne County Gas and Electric Corporation shall file a statement with this Commission setting forth such statistical information regarding preferred stock exchanges as the Commission may require;

(2) When all expenses incurred in connection with these transactions shall be actually paid, Luzerne shall file a detailed statement of such expenses showing the persons to whom payments were made, the amounts thereof, the accounts charged, and a detailed description of the services rendered for which such payments were made;

(3) Luzerne shall not declare or pay any dividends (other than dividends payable in shares of its common stock) on any shares of its common stock, nor shall Luzerne make any other distribution of its common stock or purchase or retire any shares of its common stock out of net income unless the earned surplus after making such declaration, payment, distribution, purchase, or retirement is equal to or greater than the sum of $183,261 plus an accumulative amount equal to $60,000 per calendar year beginning with the year 1941 and continuing until the cost of retiring the presently outstanding $6 and $7 Dividend Cumulative Preferred Stock shall have been completely amortized, and thereafter an accumulative amount equal to $190,000 per calendar year to continue until the total earned surplus so accumulated, and unavailable for common stock dividends, shall equal $1,500,000; provided, however, that such earned surplus required to remain after declaration or payment of such dividends or after such distribution, purchase, or retirement may be reduced for the purpose of this computation by the amount of any surplus adjustments resulting from writing down or writing off the excess of carrying value of property now owned by Luzerne over the original cost of such property when first devoted to public use;

(4) In accordance with the agreement of Luzerne County Gas and Electric Corporation and Drexel & Co., pending the final determination of the issues which

will be raised by the issuance of an order to show cause pursuant to Rule U-12F-2 to determine the relationship between Drexel & Co. and The United Gas Improvement Company and its subsidiaries, the management fee proposed to be paid to Drexel & Co., its net share in the standby fee, the net amount of the underwriting spread accruing to Drexel & Co., and all amounts accruing to Drexel & Co. for its efforts in effecting exchanges of preferred stock shall be held in trust by Luzerne County Gas and Electric Corporation.

Within five (5) days from the date of this order, Luzerne may make application for rehearing with respect to the terms and conditions hereof.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-3891; Filed, May 29, 1941; 11:42 a. m.]

[File No. 1-2494]

IN THE MATTER OF CALIFORNIA ENGELS MINING COMPANY 25¢ PAR VALUE CAPITAL STOCK

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 28th day of May, A. D. 1941

The San Francisco Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the 25¢ Par Value Capital Stock of California Engels Mining Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 A. M. on Monday, June 23, 1941, at the office of the Securities & Exchange Commission, 625 Market Street, San Francisco, California, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That John G. Clarkson, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-3889; Filed, May 29, 1941; 11:42 a. m.]

SELECTIVE SERVICE SYSTEM.

ORDER

AUTHORIZING THE STATE DIRECTOR OF SELECTIVE SERVICE OF NEW YORK TO ORDER ADDITIONAL OR ALTERNATIVE PHYSICAL EXAMINATIONS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of section XLVIII of the Selective Service Regulations, I hereby authorize the State Director of Selective Service of New York to direct any local board in the City of New York in the State of New York to order registrants to appear for and submit to a physical examination by an Examining Board of the armed forces, either in addition to or in lieu of the physical examination provided for in Volume Three, "Classification and Selection."

In proceeding under this authorization, the State Director of Selective Service of New York will be guided by the provisions of section XLVIII of the Selective Service Regulations. The right of all registrants to an appeal shall be preserved, and no registrant shall be ordered to report for induction on less than 10 days' notice, as provided in paragraph 415 of the Selective Service Regulations.

The State Director of Selective Service of New York shall submit to the Director of Selective Service copies of plans, forms, and directives prescribed for use by him in carrying out this authorization.

LEWIS B. HERSHEY, *Deputy Director.*

MAY 26, 1941.

[F. R. Doc. 41-3838; Filed, May 28, 1941; 2:34 p. m.]

UNITED STATES CIVIL SERVICE COMMISSION.

CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS THURSDAY, MAY 15, 1941

Important. Although the apportioned classified Civil Service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal Civilian positions in the District of Columbia. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his State of original residence. Certifications of eligibles are first made from states which are in arrears.

State	Number of positions to which entitled	Number of positions occupied
IN ARREARS		
1. Virgin Islands	12	0
2. Puerto Rico	867	45
3. Hawaii	196	21
4. California	3,203	1,082
5. Alaska	34	12
6. Texas	2,975	1,402
7. Louisiana	1,096	531
8. Michigan	2,437	1,268
9. Arizona	232	126
10. South Carolina	881	520
11. Kentucky	1,320	839
12. Georgia	1,449	932
13. New Mexico	247	159
14. Mississippi	1,013	656
15. Alabama	1,314	871
16. Arkansas	904	611
17. North Carolina	1,656	1,120
18. Ohio	3,203	2,217
19. Nevada	51	37
20. New Jersey	1,929	1,406
21. Tennessee	1,352	1,086
22. Florida	880	723
23. Oklahoma	1,083	974
24. Indiana	1,590	1,434
25. Illinois	3,662	3,310
26. Idaho	243	227
27. Wisconsin	1,455	1,378
28. West Virginia	882	856
29. Oregon	505	491
30. Washington	805	783
31. Delaware	124	121
32. New York	6,251	6,242
IN EXCESS		
33. Minnesota	1,295	1,321
34. Missouri	1,755	1,791
35. Vermont	167	171
36. Pennsylvania	4,591	4,739
37. Colorado	521	539
38. Connecticut	793	822
39. New Hampshire	228	239
40. Maine	393	418
41. Massachusetts	2,002	2,153
42. Iowa	1,177	1,266
43. Wyoming	116	125
44. Rhode Island	331	382
45. Utah	255	297
46. South Dakota	298	364
47. Montana	259	338
48. Kansas	835	1,145
49. Nebraska	610	843
50. North Dakota	298	433
51. Virginia	1,242	2,126
52. Maryland	845	2,255
53. District of Columbia	307	8,920

GAINS	
By appointment	363
By transfer	90
By reinstatement	10
By correction	3
Total	466
LOSSES	
By separation	226
By transfer	151
Total	377
Total appointments	62,167

NOTE: Number of employees occupying apportioned positions who are excluded from the apportionment figures under Sec. 3, Rule VII, and the Attorney General's Opinion of August 25, 1934, 18,423.

By direction of the Commission.

[SEAL] L. A. MOYER, *Executive Director and Chief Examiner.*

[F. R. Doc. 41-3842; Filed, May 28, 1941; 3:05 p. m.]